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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. TANCREDO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 4, 1999.

I hereby appoint the Honorable THOMAS G. TANCREDO to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 323) ''An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.''

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BENTSEN) for 5 minutes.

SPORTS MILESTONES FOR HOUSTON

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of two important sports milestones that were achieved yesterday in my congressional district in the City of Houston.

The first milestone was the Houston Astros' clinching the National League Central Division title for the third year in a row. While their 97-win season was impressive, equally impressive was the division race, which lasted until the final day of the regular season. Yesterday, Astros 22-game winner Mike Hampton took the mound on only 3 days' rest and delivered a decisive performance, guiding the Astros to the Central Division title.

Despite a year plagued by injuries, forcing the team to use the disabled list 16 times, the Astros managed to finish the season with the second highest win total in franchise history.

Starting with the loss of outfielder Moises Alou in the off season, this season was undoubtedly a test for Astros players and fans alike. The only Astros position players who did not spend time on the disabled list were first baseman Jeff Bagwell and second baseman Craig Biggio, both of whom who have had career years leading the National League in RBIs and doubles respectively.

The team also weathered the temporary loss of manager Larry Dierker, whose rapid recovery from brain surgery revealed the strength and breadth of his character. But in the end, what drove the Astros to victory was the team performance on the field: great pitching, fielding, defense and timely hitting.

Of particular note was the Astros' amazing pitching staff: Mike Hampton, who set a team record with 22 wins, the best in the National League; Jose Lima, whose animation and love for the game delighted fans and whose commitment to succeed resulted in 21 wins; Shane Reynolds, with 16 impressive, hard-fought wins; and Billy Wagner, the best closer in baseball, with 39 saves; and a bullpen that set a remarkable record for winning every game in which they held a lead after eight innings.

With the steady veteran presence of fan favorites Craig Biggio, Jeff Bagwell, Ken Caminiti, and Carl Everett, the Astros were able to overcome the adversity of injuries and find a way to win 97 games.

A second important Houston sports milestone was also achieved yesterday in the Astrodome, with the end of the 1999 regular season. It is special because, after 35 years, yesterday's division-clinching game was the last Astros regular season game in the place known in Houston as the Dome.

Next year, the Astros will begin play at Enron field, a new ballpark in the heart of downtown Houston. But the Astros' history, for better or worse, has been established in the Astrodome, the Eighth Wonder of the World. The brainchild of Judge Roy Hofheinz, the Astrodome has been the site of 35 years of great sports memories.

The Dome saw Elvin Hays meet Lew Alcindor for a classic college basketball game in 1968. Mohammed Ali fought there, Elvis and Selena performed there, Evel Knievel jumped, Billy Graham preached, and Billie Jean King and Bobby Riggs played a score-settling tennis match.

The Oilers won big games and lost a few there, the University of Houston Cougars called the Dome their home, and the Houston Livestock Show and Rodeo have maintained one of Houston's most important traditions with countless concerts and rodeos that have thrilled millions.

But the Astrodome will always be identified first with the Houston Astros. The Astrodome's opening in 1965 was so special that the New York Yankees traveled to Houston for an exhibition game, which saw the very first

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Dome home run hit by none other than Mickey Mantle, witnessed by President Lyndon B. Johnson, who attended the game with tens of thousands of his fellow Texans, including myself.

The scoreboard, unlike any other in sports, shared color, lights, and Texas pride for all who entered. The team, with their often colorful uniforms, played their hearts out, rain or shine, in the 72-degree comfort of the Dome.

The list of players who wore the Houston Astros uniform is legendary, from Jimmy Wynn to Joe Morgan, Larry Dierker to Rusty Staub, Nolan Ryan to Mike Scott, Art Howe to Dickie Thon, Phil Garner to Ken Caminiti, Don Wilson to Billy Wagner, Glenn Davis to Jeff Bagwell, Bill Doron to Craig Biggio, Craig Reynolds to Doug Rader, Cesar Cedeno to Jose Cruz, Joe Niekro to Alan Ashby, and J.R. Richard to Dave Smith.

There have been many unforgettable moments and unforgettable athletes who have played the game of baseball for the Astros. Now, as the final chapter of the 1999 Astros season is being written in the playoffs, this generation of Houston Astros players will have a chance to bring home the team's first World Series title to the city of Houston.

The next generation of Astros stars will play their games in the new ballpark, in itself a modern marvel. But there is only one Astrodome, and Houston fans and the athletes who performed so greatly there will never forget it or the franchise that proudly played there for the great fans of the city of Houston.

OPPOSE H.R. 782, OLDER AMERICANS ACT

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

Mr. DeFAZIO. Mr. Speaker, I had hoped that today would be a day to celebrate. For 4 years, the Older Americans Act has languished in this House of Representatives. The authorization expired 4 years ago. We have been operating off of a continuing appropriations resolutions for 4 years.

Because of that, there has been no inflation adjustment in many crucial programs for our senior citizens. Because of that, there has been no review and addition to the Older Americans Act of new programs to serve the vital needs of our seniors.

I introduced bipartisan legislation the beginning of the session. We have more than half of the Members of this House of Representatives on that widely agreed-upon legislation.

But now, in rather a bit of a surprise move, the Republican leadership is popping out an Older Americans Act revision to the floor, H.R. 782, under suspension of the rules, no amendments allowed, that is extraordinarily controversial. Why is it controversial? Well, because in a pique, in a pique, the Republican leadership is very angry with one of the many senior groups which participates in the Older Americans Act employment programs, the National Council of Senior Citizens, who regularly advocate for progressive issues for seniors, for prescription drug coverage and other things. Yes, they ding the Republican leadership and the Republicans a bit.

So in a pique, to get at that one group that they hate, they are going to take and penalize all the other senior groups who actually do 90 percent of the senior employment and arbitrarily change the program.

What are the Republicans, the party of small government, the party of the private sector, the party of charitable nonprofit groups going to do? They are going to rip money away from a very successful program being operated now by dozens of other senior groups and give it to the States.

Well, one might say, what is wrong with that? Well, even in my own State, which is recognized as the leader on senior citizen issues, they are less efficient and less capable. They get fewer people placed for the same amount of money as the private nonprofit senior groups do. They get fewer people through this program. They serve a different clientele.

Actually, the States serve the easier-to-serve clientele, the urban clientele, the more educated clientele than do the disbursed groups like Green Thumb and others who go into rural areas where the States do not have the capability of going.

This is extraordinarily unfortunate that this bill should come forward in this form. It is going to come forward under the suspension of the rules. No amendments allowed. We could have at least had a fair fight over this issue. Given the fact that more than half of the House has cosponsored my legislation, bipartisan legislation, I believe we would have prevailed.

But we will not be allowed to offer an amendment to this bill. There will be 40 minutes of debate. We have waited 4 years. Only the people who are running this House of Representatives after 4 years could deliver a turkey like this, a bill that is going to hurt senior citizens.

Instead of helping them when this should have been a day to celebrate for America's senior citizens, it will be a day that we will look back upon and say how is it now that the Older Americans Act senior employment programs were destroyed, they were destroyed because a few people in the majority were mad at one senior group that gets a tiny fraction of the money under this bill. So they dumped money into State bureaucracies that were incapable of doing the job. That is a sad day.

In addition to that, we find that the administration is very opposed to this. Perhaps they can even get this on to the veto list if they try hard enough. The Secretary of Labor has said that they find unacceptable the changes that were made to the Senior Community Service Employment program authorized under title 5 of the Older Americans Acts. We believe this change would significantly diminish the effectiveness of the Senior Community Service Employment programs.

So why? Why are they doing this? It is so sad. Again, just to repeat one last time that, because they are angry at one senior citizen group that has advocated against some of their priorities, their misplaced priorities here, they going to penalize all the senior citizen groups, including Green Thumb, which has got one of the most successful employment programs for hard-to-serve rural low-income seniors in this country and provides vital services in thousands of communities across America.

They are going to have millions of dollars ripped out of their budget and delivered to State bureaucracies that will not spend it as efficiently and perhaps will not be able to spend it at all.

I urge people to oppose this bill under the suspension of the rules.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

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

O gracious God, in whom we live and move and have our being, we are grateful that Your blessings are over us and Your everlasting arms are beneath us. We know, O God, that Your spirit gives us strength when we are weak, chastens us when we miss the mark, forgives us and makes us whole. We are thankful that we can begin a new week energized by Your faithfulness and comforted by Your many mercies. Bless all Your people, O God, and may Your peace that passes all human understanding be with each one of us now and evermore. 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 Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON 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.

RECOGNIZING ANDRE AGASSI FIFTH GRAND SLAM TITLE AND GRAND SLAM FOR CHILDREN

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

Mr. GIBBONS. Mr. Speaker, it is with great pleasure that I come to the floor today to recognize and congratulate a tennis superstar and fellow Nevadan for capturing his fifth Grand Slam title and his second in 1999. It was merely 2 years ago when the sports writers claimed that Andre Agassi was over the hill in world tennis competition. However, after a superb summer which consisted of his winning the French Open title, a second-place finish at Wimbledon, and winning the U.S. Open title, Agassi recaptured the number one ranking and once again the top of the tennis world.

Mr. Speaker, Agassi's unparalleled performances do not end on the court. For the fifth consecutive year Andre Agassi's charitable foundation hosted a Grand Slam for Children that raises money to assist at-risk youth in Las Vegas. With Andre's dedication and tireless efforts, the event raised nearly $4 million to help these children.

So, to Andre Agassi I congratulate him on his fifth Grand Slam title and also thank him for his outreach and assistance to the children of Nevada. We are indeed proud of him.

STONE COLD PROMOTION OF GARBAGE

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

Mr. TRAFICANT. Mr. Speaker, it is not just about the Virgin Mary splattered with cow manure; it is about common decency. The Brooklyn Museum of Art is displaying a portrait of a pedophile that features the handprints of the children he murdered.

Think about it: on display in New York City, the handprints of America's murdered children.

Beam me up, Mr. Speaker. This is not freedom of expression; this is stone cold promotion of garbage. Congress should be supporting Mayor Giuliani's attempt to stop public funding of this type of trash.

I yield back the handprints of America's murdered children on display in the great City of New York.

CORRECT THE OLDER AMERICANS ACT TO REFLECT HIGHER PERCENTAGE OF SENIORS

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

Mr. MILLER of Florida. Mr. Speaker, I rise to express my concerns about the Older American Act that was supposed to be on the floor today and apparently will be delayed. This is reauthorization of some very, very important programs in this country, and as a Congressman who represents the largest number of seniors in a congressional district in the southwest part of Florida, it is of great concern for me because of programs like Meals on Wheels and other senior programs that need to be authorized, and they are essential programs.

The bill that was being proposed had some really good innovations and ideas, a care-giver program so that we need to expand upon and create a specialized program for it. However, the real problem in that bill was the funding formula. Florida, having the largest number of seniors, should get its proportionate share of money, but it is biased because it is Florida; and that was just plain wrong to say Florida gets less percentage-wise than other States. We have more seniors. The seniors keep moving to Florida, and they have got a program in the bill that says its 1987 census numbers are what we are living with.

Mr. Speaker, people keep moving to Florida, and we have got to keep allowing the money to follow the seniors, and that was the only real problem with that bill. Otherwise it is a very good bill, and I hope it is brought back to the floor with the correction.

THE OLDER AMERICANS ACT NEEDS MORE WORK

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

Mr. DEFAZIO. Mr. Speaker, actually H.R. 782, the reauthorization of the Older Americans Act which we have been awaiting for 4 years, had many other problems; and it is best that it was pulled. This is legislation that is vitally needed so we can better fund and prioritize programs for senior citizens.

But the bill was going to take money from the Older American Employment programs, away from the efficient, the private nonprivate providers and dump it on State bureaucracies that have no track record and in fact where they do have a track record, one that is less effective and less efficient. It also was going to cut congregant meals for seniors under the theory that they should just stay home; it is cheaper to serve them there than to have them come to congregant meal sites, missing out on the vital socialization function and others things that go on there.

It was a bad bill, and it is best that it was pulled. It needs more work before it comes to the floor of the House, and it should come under open rule so amendments can be offered. We have waited 4 years. It should not be under a closed procedure.

PROTECTING THE AMERICAN PEOPLE, PART OF RONALD REAGAN'S DREAM

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

Mr. ROHRABACHER. Mr. Speaker, back in the 1980's I had the honor of being one of Ronald Reagan's speech writers and worked with him closely in developing some of the ideas that were under attack then but nowadays seem to have come to fruition. And it is difficult for me to come here today and to just especially in light of what Edmond Morris has written about the President and is writing about the President, saying about President Reagan, but I think we should all remember that Ronald Reagan had a vision and set America in motion to do things that have put us in an era of prosperity and an era of peace.

I was there when Ronald Reagan, for example, launched the program aimed at developing a missile defense system for the United States of America. Everybody said that it could not be done. He was ridiculed. He wanted a system that, if someone were shooting a missile at us were armed with an atomic bomb, a nuclear warhead, that we could have protected from that, thus saving millions of Americans. And they said it could not be done. They ridiculed him, and of course this weekend I am proud to announce that we have had another successful test of an anti-missile system to protect the American people, part of Ronald Reagan's dream.

DEMOCRATIC CALLOUSNESS

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

Mr. ARMEY. Mr. Speaker, the do-nothing Democrats are at it again.

This morning the Census Bureau announced that the ranks of the uninsured have grown by one million people in this last year. How did the do-nothing Democrats respond to that news? Well, essentially, Mr. Speaker, they told the uninsured to drop dead. That is right. They scheduled a press conference for this afternoon to denounce our access bill for the uninsured. On the very day we learn that 44.3 million Americans went without health insurance last year, the Democrats announce that they are standing in the hospital door to make sure that no Republican gets credit for helping the uninsured.

How callous can they be?

And where are their solutions for the uninsured? Nowhere to be seen.

Meanwhile, they are calling our access bill for the uninsured a poison pill. How dare they.

Now I ask you, Mr. Speaker, what is poisonous about expanding community health centers for the poor? What is poisonous about giving the cashier at the hardware store the same tax deduction for health care that now a corporate CEO gets? What is poisonous about letting every American have a medical savings account? What is poisonous about letting small business band together to buy cheaper coverage for their workers? What is poisonous, Mr. Speaker, about giving hard-working families special relief for providing long-term care for their aging parents?

Mr. Speaker, there are 44.3 million Americans that do not think access to affordable health coverage is a poison pill. The only poison in this debate is the callousness of the do-nothing Democrats. They ought to be ashamed, Mr. Speaker.

REPUBLICANS DO LITTLE OR NOTHING ON ISSUES THAT CONCERN THE AMERICAN PEOPLE

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

Mr. DOGGETT. Mr. Speaker, this term, do-nothing Democrats, is a curious term to me. As best I remember, the Republicans have a majority in this House, the Republicans have a majority in the United States Senate; and yet they have been unable to complete their work. We have begun this new Federal fiscal year without the necessary appropriations acts and they have yet to even present one of the largest of those appropriations acts for our consideration. Likewise, they have produced so far this year, perhaps, the most unique set of legislative accomplishments largely centering on naming a few places and buildings and memorial coins and doing little or nothing on the real issues that concern the American people.

One of those real issues is having a true patients' bill of rights for those in managed health care. With consideration of important consumer legislation delayed this month after month, week after week, we will finally this week have an opportunity to provide Americans some real protection with a genuine patients' bill of rights. That is what Democratic efforts, joined with a handful of Republicans who were willing to buck their leadership to stand up for the rights of ordinary Americans against mismanaged care, can accomplish.

Give us a Democratic majority, and my colleagues will really see what Democrats can do to address health care and other concerns of American Families.

UNDERSTAND THE FACTS ABOUT THE OLDER AMERICANS ACT

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

Mr. GOODLING. First of all, Mr. Speaker, I would tell the gentleman that I just read in the newspaper last week where the minority leader said that the Democrats are determining what the legislation is on the floor of the House, so that is kind of interesting. But that is not why I wanted to speak.

I have heard a lot of people, many, talking about the Older Americans Act, and unfortunately they do not know what they are talking about. The Older Americans Act, which we worked on for 6 months, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. MARTINEZ) and the gentleman from Nebraska (Mr. BARRETT), as a matter of fact does more than it has ever done before in an authorization as far as employment programs are concerned, as far as States are concerned. If my colleagues only understood the way the legislation is now and has been for years, says that 45 percent of all of the money will stay in Washington, 55 percent will go back to the State. That is not the way it has been appropriated. It has been appropriate 78 and 22. But that is not the way it is authorized. We improved that, and we said just reverse, 55 percent will stay here, 45 percent will go back.

So be sure to understand the facts about what it was we wanted to present which we will not present during this session of Congress again.

NEVER AGAIN

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

Mr. SENSENBRENNER. Mr. Speaker, my good friend from Texas (Mr. DOGGETT) has a very short memory. He tells the House and the American people to give us a Democratic majority and we will show them what we can do. Mr. Speaker, I remember the last time there was a Democratic majority and the Speaker from Texas, and the House passed no appropriations bills at all by the 30th of September, and all 13 appropriation bills ended up being put in one huge massive and continuing resolution that the President of the United States, Ronald Reagan, plunked on that desk there, stack after stack after stack, and said no way will I ever sign one of those continuing resolutions again.

Now that is what happened the last time there was a Democratic majority, and I hope that we never have that happen again under either a Republican or Democratic majority.

□ 1415

EARNING THE RESPECT OF AMERICA

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

Mr. LAMPSON. Mr. Speaker, perhaps the best thing to do, to sum up all of this, is let us get past the partisan rhetoric, get down to business, and do our jobs, and maybe then America will respect what we are doing here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). 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 and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any rollcall votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

COMMERCIAL SPACE TRANSPORTATION COMPETITIVENESS ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2607) to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2607

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 ''Commercial Space Transportation Competitiveness Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code, (Commercial Space Launch Activities) is necessary at this time to protect the private sector from uninsurable levels of liability;

(3) enactment of this extension will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(4) space transportation may eventually move into more airplane-style operations;

(5) during the next 3 years the Federal Government and the private sector should analyze and determine whether a more appropriate and effective liability risk-sharing regime can be achieved and, if so, develop and propose the new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(6) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(7) the Office of the Associate Administrator for Commercial Space Transportation should engage in only those promotional activities which directly support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

''§ 70119. Office of Commercial Space Transportation

''There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

''(1) $6,275,000 for fiscal year 1999;

''(2) $7,000,000 for fiscal year 2000;

''(3) $8,300,000 for fiscal year 2001; and

''(4) $9,840,000 for fiscal year 2002.''.

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

''70119. Office of Commercial Space Transportation.''.

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) $530,000 for fiscal year 2000;

(2) $550,000 for fiscal year 2001; and

(3) $570,000 for fiscal year 2002.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 6. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS.—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine whether it is appropriate for all space transportation activities to be deemed ''ultrahazardous activities'' for which a strict liability standard may be applied and, if not, what liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine how relevant international treaties affect the Federal Government's liability for commercial space launches and whether the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine whether and when the commercial space transportation liability regime could be conformed to the approach of the airline liability regime; and

(6) include recommendations on whether the commercial space transportation liability regime should be modified and, if so, what modifications are appropriate and what actions are required to accomplish those modifications.

(c) SECTIONS.—The report required by this section shall include—

(1) a section containing the views of—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense;

(D) the Office of Space Commercialization; and

(E) any other interested Federal agency,

on the issues described in subsection (b);

(2) a section containing the views of United States commercial space transportation providers on the issues described in subsection (b);

(3) a section containing the views of United States commercial space transportation customers on the issues described in subsection (b);

(4) a section containing the views of the insurance industry on the issues described in subsection (b); and

(5) a section containing views obtained from public comment received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites on the issues described in subsection (b).

The Secretary of Transportation shall enter into appropriate arrangements for a non-Federal entity or entities to provide the sections of the report described in paragraphs (2), (3), and (4).

SEC. 7. STUDY OF APPROPRIATIONS IMPACT ON SPACE COMMERCIALIZATION.

Within 90 days after the later of the date of enactment of this Act or the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, the Comptroller General, in consultation with the Administrator of the National Aeronautics and Space Administration and United States commercial space industry providers and customers, shall transmit to the Congress a report on the impact of that appropriations Act on the future development of the United States commercial space industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2607, as amended.

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

There was no objection.

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

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

Mr. Speaker, H.R. 2607, the Commercial Space Transportation Competitiveness Act of 1999, provides a 5-year extension for what is commonly referred to as indemnification. This extension is necessary to protect space transportation companies from uninsurable levels of liability and to enhance the international competitiveness of the American companies. The current indemnification provision expires at the end of this year, so we need to move quickly in order to get this extension enacted before the end of the year.

H.R. 2607 also includes a reporting provision on whether the current risk-sharing regime should be modified. The report calls for separate sections from the Federal Government, the U.S. space transportation providers and customers, the insurance industry and the general public. This report will provide the basis for Congressional hearings and public debate in the future and should provide the framework for the new regime in plenty of time before this extension expires in 2004.

The bill also includes authorizations for the Office of Commercial Space Transportation and the Office of Space Commercialization, and requires a report on the objectives, activities and plans of the Office of Space Commercialization.

In short, this is a straightforward bill. It only contains, one, the indemnification extension; two, a report on how indemnification might be structured in the future; three, authorizations for two small commercial space offices; and, four, a section requiring a GAO report.

I strongly support this bill, and urge my colleagues to vote in favor of it.

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

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

Mr. Speaker, I want to rise in support of H.R. 2607. As the gentleman from Wisconsin (Chairman SENSENBRENNER) has very eloquently stated, this bill addresses a clear need of the U.S. commercial space industry.

A central feature of the bill is a 5-year extension of the commercial space launch indemnification authority that has existed in law since 1988. That authority has established a risk-sharing regime between the launch industry and the Federal Government. That indemnification authority has helped to level the international playing field with non-U.S. space launch companies whose governments have provided them with similar risk-sharing arrangements. The provisions have not cost the U.S. taxpayer a single dollar since they went into force a decade ago.

The indemnification authority has been renewed once since its initial establishment, and H.R. 2607 would extend that authority for another 5 years. I believe that extension of the indemnification authority is in our Nation's best interests, and I urge Members to vote to suspend the rules and pass the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

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

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from Wisconsin, my friend and chairman of the Committee on Science, for discharging H.R. 2607 and bringing it to the floor today.

Mr. Speaker, this legislation is just one more thing that this Congress is doing to respond to the Cox Committee's report and strengthen America's space transportation industry. This bill authorizes two important offices which regulate and promote this industry and renews commercial launch indemnification authority for 5 years beyond its expiration at the end of this year.

America's space transportation industry is still in its childhood as far as maturity goes. It is becoming very dynamic. We are now experiencing and witnessing many reusable launch as well as expendable launch vehicles under development that in the future will serve America well.

In the future, I would hope that the government could shoulder less risk so that the industry is fully motivated to invest in more reliable and safe and reusable launch vehicles. In fact, as the reusables that are under development now and the expendables that are under development now come into fruition, as they are put into practice and they are put into service for the American people, we expect these space transportation systems to be developed and to be further improved so that indemnification will not quite be the issue that it is at this stage in America's space program.

Furthermore, this legislation sets in place an independent process to advise the Congress on how the government and the private sector should share the risk in space transportation activities in the future. So we are preparing for that day when this type of indemnification may no longer be necessary.

In particular, we are asking launch companies, their customers and their insurers as well, to serve and to give us input into how and when we might carefully change the current regime. By renewing the current regime for 5 years and giving industry the opportunity to shape the future, I believe we are serving the taxpayers well and giving America's space transportation companies a stable business environment so they can become more competitive and so that they can develop these new space transportation technologies that will keep America the number one power in commercial space as well as the number one power in some of the space projects that are being developed for dual use with the Defense Department and NASA as well as in the private sector.

Mr. Speaker, I again thank the gentleman from Wisconsin, the chairman of the committee, for discharging this bill, and for supporting it, and for the leadership he has provided for America's space industry.

Mr. GORDON. Mr. Speaker, I want to speak in support of H.R. 2607. This bill has as its central element a provision that would extend the launch indemnification authority that was established in the Commercial Space Launch Act, as amended. That authority established a predictable, well understood risk-sharing regime that has helped the growth of the U.S. commercial space launch industry over the intervening decade. The provision of limited indemnification has long been a cornerstone of our nation's approach to preserving a healthy and competitive launch industry.

However, under the existing statute, these provisions will expire at the end of the current calendar year unless renewed. H.R. 2607 would extend those provisions for another five years. At our hearings this year, there has been a broad consensus on the need to renew the indemnification authority. I hope that we will do so today.

In addition to the indemnification extension, the bill contains a number of other provisions that I am less enthusiastic about. For example, one finding of the bill would limit the Department of Transportation's ability to engage in non-regulatory activities that have done much to advance the state of the U.S. launch industry.

In addition, there are funding levels in the bill for the Department of Transportation's Office of Commercial Space Transportation that may not be commensurate with the regulatory responsibilities that Congress has levied upon that Office. However, since I am confident that those concerns can be addressed in Conference, I did not see any reason to prevent the bill from being considered on the suspension calendar. In my opinion, it is important that we move this bill forward and ensure that the launch indemnification authority is renewed in a timely manner.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 2607.

The U.S. commercial space launch industry currently leads the worlds, and we can all be proud of that.

At the same time, U.S. companies face tough competition from overseas launch providers.

And each of those non-U.S. companies have the support of their countries in sharing the risks associated with launching payloads into space.

One of the important ways that we have been able to keep the commercial playing field level is through the indemnification provisions contained in the Commercial Space Launch Act, as amended.

Unfortunately, those provisions are set to expire at the end of this year if they aren't renewed.

H.R. 2607 will extend the indemnification provisions for another five years.

I think that these provisions are critical to the continued health of the U.S. commercial space launch industry, and I urge my colleagues to support H.R. 2607.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support H.R. 2607, the Commercial Space Transportation Competitiveness Act of 1999. This act will further support the development of America's commercial space transportation industry by bolstering our ability to compete in the international arena.

The commercial launch industry has grown tremendously during the last decade. Our nation's companies hold close to 50 percent of the world market share, and most important, our launch vehicles have a strong reliability record. With the incredible leaps that we have experienced in the technology field, the use of commercial satellites has increasingly become more and more important. In addition both NASA and the Department of Defense are increasingly making use of commercial launch services. Most notable experts predict continued growth in the industry.

As a Member of the House Science Committee, I attended the hearings that examined this bill and the barriers to commercial space launches. During those hearings, the space transportation industry expressed the opinion that we could do more. This bill begins to address these concerns and shows the industry that Congress has not lost focus on the bigger picture.

The measure most often mentioned by the industry was the extension of the commercial space launch indemnification provision. Begun in 1988 by an amendment to the Commercial Space Launch Act, this measure significantly lowered the barriers to growth in the commercial space transportation industry. These amendments in the wake of the Challenger disaster put forth a risk-sharing regime. This indemnification between the Federal government and the commercial industry was designed to help transition and foster growth within the commercial industry.

H.R. 2607 will provide for the extension of the Commercial Space Transportation Indemnification Extension. In addition, this act is asking the Transportation Department to examine and make a determination regarding a better risk-sharing regime.

This bill is an important step but we need to continue to answer the questions of how the federal government can continue to facilitate growth in the commercial industry five to ten years from now. As technology continues to advance many of our constituents and the industries in our districts will want affordable access to space and in order to further open the space frontier America needs to have a strong commercial space transportation industry.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2607, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STANISLAUS COUNTY, CALIFORNIA, LAND CONVEYANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 356) to provide for the conveyance of certain property from the United States to Stanislaus County, California, as amended.

The Clerk read as follows:

H.R. 356

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

SECTION 1. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as ''NASA'') shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) CONSIDERATION.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—(1) The conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law, policy, or Federal interagency agreement for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE.—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 356, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 356 requires NASA to convey property at the Ames Research Center to Stanislaus, California. NASA retains the right to use the property for aviation activities on mutually acceptable terms. The conveyance does not relieve any Federal agency of its responsibility for any environmental remediation of soil, groundwater, or surface water.

NASA relinquishes legislative jurisdiction over the property to the State of California. Any additional terms may be negotiated by the NASA Administrator to protect the interests of the United States.

The bill is sponsored by the gentleman from California (Mr. CONDIT). Last Congress, the Committee on Science supported this bill; and the House passed it. I urge my colleagues to support this bill.

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

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

Mr. Speaker, I want to speak in support of H.R. 356. This bill was introduced by the gentleman from California (Mr. CONDIT). It has been favorably reported by the Subcommittee on Space.

Basically, the bill would convey a piece of excess property currently owned by NASA to Stanislaus County, California. The property was previously owned by the Navy and then transferred to NASA. NASA currently has no use for the property. This bill does, however, make provision for NASA to retain the right to use the property for aviation activities under terms and conditions mutually acceptable to NASA and to the county. In addition, it should be noted that the conveyance does not relieve the Federal Government of any responsibility for any environmental remediation.

This is a straightforward piece of legislation. I urge my colleagues to suspend the rules and pass the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 356, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 1999

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2681) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The Clerk read as follows:

H.R. 2681

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 ''Rail Passenger Disaster Family Assistance Act of 1999''.

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1137. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection

(a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision 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.

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

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in the accident.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1136 the following:

''1137. Assistance to families of passengers involved in rail passenger accidents.''.

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 251—FAMILY ASSISTANCE

''Sec.

''25101. Plans to address needs of families of passengers involved in rail passenger accidents.

''§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1137(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1137(a)(1) of this title, and to the organization designated for the accident under section 1137(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

''(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1137(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1137(a)(2) of this title for services provided by the organization.

''(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

''(14) An assurance that the rail passenger 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.

''(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1137 of this title; and

''(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

''251. FAMILY ASSISTANCE ..... 25101''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

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

Mr. Speaker, I rise in support of the bill before us, H.R. 2681, the Rail Passenger Disaster Family Assistance Act. This is a bipartisan measure, and it is the product of diligent efforts by our committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER) the committee's ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the Subcommittee on Ground Transportation's ranking member, the gentleman from West Virginia (Mr. RAHALL). I commend all of these gentleman.

Mr. Speaker, this bipartisan bill is closely patterned on similar aviation legislation which the Congress enacted after the TWA 800 crash in 1996. This bill sets up a basic procedural framework for giving timely information to rail accident victims and their families and for dealing sensitively with the families.

The bill puts the National Transportation Safety Board in the role of the central coordinator, but relies heavily on private nonprofit organizations to handle much of the direct dealings with victims and with their families.

□ 1430

Legislation is not based on any particular deficiencies in Amtrak's dealing with accident victims. In fact, Amtrak already has begun to adopt many of the procedures contained in this bill. Rather, we want to have in place a set of proven procedures for any and all future providers of interstate intercity rail services and of high-speed rail service.

The 1997 Amtrak Reform and Accountability Act ended Amtrak's former statutory monopoly of intercity rail passenger service, and allowed the States to choose alternative operators.

Since that law was enacted, a number of States have begun efforts to launch new conventional or high-speed rail passenger service. Therefore, we need to be prepared for a future of multiple rail passenger service providers.

This is highly effective and cost-conscious legislation. It builds on proven experience under the counterpart aviation law, and like that law, relies heavily on private, nonprofit organizations with a minimum of costs to our government.

The NTSB, for example, already has staff in place who deal with accident situations and relations with victims and with their families.

Mr. Speaker, I urge that this legislation be approved, and I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from West Virginia (Mr. RAHALL) is recognized to control the 20 minutes of time for the minority party.

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

Mr. Speaker, the gentleman from Wisconsin (Mr. PETRI) has explained the nature of the pending measure. I would simply note that it is an important one because it recognizes the human pain and suffering associated with severe injury and loss of life that unfortunately does occur at times in passenger rail service, so I urge the adoption of the pending measure.

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

Mr. PETRI. 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 Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2681.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2681, the bill just passed.

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

There was no objection.

CONGRATULATING THE AMERICAN PUBLIC TRANSIT ASSOCIATION FOR 25 YEARS OF COMMENDABLE SERVICE TO THE TRANSIT INDUSTRY AND THE NATION

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation.

The Clerk read as follows:

H. CON. RES. 171

Whereas public transportation is a fundamental public service and an integral component of the Nation's surface transportation infrastructure;

Whereas public transportation service results in productive jobs for the Nation's workers and provides broad support for business and economic growth;

Whereas public transportation provides safe and efficient mobility for millions of people in the United States each day;

Whereas the American Public Transit Association was established in 1974 to promote and advance knowledge in all matters relating to public transportation; and

Whereas, during a period of remarkable resurgence in public transportation, the American Public Transit Association has provided a quarter of a century of service to the Nation as the professional association representing the transit industry: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress congratulates the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

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

Mr. Speaker, I am pleased to have this opportunity today to bring this concurrent resolution to the floor of our House. House Concurrent Resolution 171 congratulates the American Public Transit Association on its upcoming 25th anniversary.

APTA was formed on October 17, 1974, when the American Transit Association and the Institute for Rapid Transit were merged. Today APTA has over 1,200 members, including bus, rapid transit, and commuter rail systems, as well as transit suppliers, government agencies, State Departments of Transportation, academic institutions, and trade publications.

In 1997, there were 8.6 billion transit trips in the United States. Ninety percent of these trips occurred on transit systems that are APTA members. APTA has been a strong advocate for transit issues in our Nation's capital, as well as a resource for information

and education for its member organizations.

I am pleased to have this opportunity to recognize APTA's efforts today.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 171, and I reserve the balance of my time.

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

Mr. Speaker, as we congratulate APTA on its 25 years of service, I would note that while the large transit systems such as Washington Metro and BART often attract the most attention, the backbone of public transportation in this country is still the providers in small communities and rural areas.

On a daily basis in small communities across our country, many Americans rely on their local bus systems, such as what we have in Huntington, West Virginia, for their transportation needs. Indeed, the Tri-State Transit Authority is a shining example of what makes transit so important in this country, and is one of the reasons why we are commending APTA today.

I would also be remiss if I did not note that another reason why we should be honoring public transportation today is the strong presence of the Amalgamated Transit Union. This organization represents the vast majority of transit workers who daily operate the trains and buses which get people to and from work in a safe manner and their leisure pursuits, as well, and their contribution to public transportation is also being commended today.

I urge the adoption of the pending resolution, Mr. Speaker.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

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

I want to congratulate the subcommittee on moving this legislation, and express my appreciation to the gentleman from Pennsylvania (Mr. SHUSTER), for moving the bill, the gentleman from Wisconsin (Chairman PETRI), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their support in recognizing the American Public Transit Association on its silver anniversary year.

Mr. Speaker, it may seem unusual to be recognizing an organization of this nature on the House floor. Yet, there is nothing more important for the growth, strength, and quality of life in urban America than public transit.

I can remember very vividly as a junior staff member at the time in July, 1964, when President Johnson, on July 9, to be exact, signed into law the Urban Mass Transportation Act of that year. It was seen as an historic piece of legislation. It was the first time that the Federal Government had actually recognized the role of public transportation, transit, as it was called, or beginning to be called at that time, and this small step forward was seen as an important landmark for urban America.

Not that transit had just been discovered by the Federal Government in 1964. In fact, the first transit system was actually a ferry, the Boston ferry, in the 1600s. I think the exact time was 1630 when it began its operations. The longest continually operating transit system in America is the St. Charles Line in New Orleans.

In fact, the St. Charles Line began in 1835, and runs in front of my wife's family home in New Orleans, which is also the site of the annual Mardi Gras festival. The St. Charles Line continues to operate today with upgrades and with improvements and with each of the cars filled with travelers, without which people would not be able to get to work, people would not be able to hold jobs, people would not be able to have affordable transportation in this city that is so clogged with traffic because of the nature of the city streets and the nature of the layout of the community.

Over the years our committee, then the Committee on Public Works and Transportation, now the Committee on Transportation and Infrastructure, has continued to support and widen the role and widen the public support for transit.

Last year Americans made 8.7 billion trips on transit. About a fourth of those took place in New York City. The New York City transit system carries 2.2 billion passengers a year. Without transit in New York and Northern New Jersey, the area would need 10,400 miles of four-lane highway, which of course is impossible in New York City, it could not be done. And even then, if we could build all that highway, we would still be able to carry only one-third of the passengers that are carried by transit in New York City.

So let us recognize here not just the 25th anniversary of APTA, formed 10 years after President Johnson signed UMTA, the Urban Mass Transportation Act, into law, but let us recognize in so doing the extraordinarily critical role that urban transit systems play in the lifeblood of America's great metropolitan areas: affordable, high-quality alternative transportation choices for commuters, for people visiting cities, reducing congestion and improving travel time for motorists, reducing air pollution, enhancing the quality of life in neighborhoods.

Here in our Nation's Capitol, the Metro system has meant vast improvement in air quality and in access for welfare-to-work, for people who live in poor neighborhoods to get to the jobs that are necessary for their livelihood.

We could do better. We could do as the metro system does in Paris, which moves far greater numbers of people, and of course, that is a 9 million population metropolitan area. But the Paris metro system, for less than half the cost of monthly transit in Washington, D.C., moves three or four times as many people on a daily basis.

We can do better, and in TEA–21 our committee, with the support of the gentleman from Pennsylvania (Mr. SHUSTER), made the investments necessary to carry America into the 21st century, to balance transportation. There is an 80–20 split. Eighty percent of the bill goes to highways, 20 percent to transit, and we continue the growth of investment in transit systems as well as in commuter rail, in light rail systems.

In celebrating the 25th anniversary of the American Public Transit Association, we are also celebrating the progress that we have made in improving transit systems, making them more affordable, making them higher quality, making them available to more people, and in the welfare-to-work provisions of TEA–21, we passed another historic milestone.

It is not enough to say we have ended welfare. It is more important to say we have also provided access to jobs for people. My daughter, Annie, works at Jubilee Jobs in the Adams Morgan area of Washington, where she places people who have fallen through the welfare net, who are living in homeless shelters, who come into Jubilee Jobs in their location in Adams Morgan needing work. The biggest problem is not finding the job, but marrying the person and the job with a means to get to work. The job is meaningless if you do not have money in your pocket, if you do not have a way to get to work. We provided that linkage in the welfare-to-work provisions of TEA–21.

We have made a great start on the 21st century. APTA has helped us get there. This legislation, TEA–21, has moved us forward, and with this resolution today we recognize not only the 25th anniversary of APTA, but we recognize the enormous contributions that public transit is making in the quality of life of all Americans, particularly those neediest among us who have to rely on public transportation systems to get to their work.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 171.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 171.

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

There was no objection.

□ 1445

EXTENDING CHAPTER 12 OF THE BANKRUPTCY CODE FOR 9 MONTHS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1606) to extend for 9 additional months the period for which chapter 2 of title 11, United States Code, is reenacted.

The Clerk read as follows:

S. 1606

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill, S. 1606.

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

There was no objection.

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

Mr. Speaker, the record is complete on the necessity for the passage of this bill because only last week we gave the rationale for the need for quick action on this piece of legislation.

On October 1, the authority for family farmers to file for bankruptcy under Chapter 12, a separate and unique set of provisions to accommodate the special and unique needs of farmers in distress, ran out of authority.

It had been extended over a period of time in temporary chunks of time because, in reality, the bankruptcy reform movement has encompassed Chapter 12, the special provisions, and included in them a comprehensive bankruptcy reform in which this special set of provisions, as I have stated, will become permanent. We would not have to ever return to the well of the House to seek an extension of these benefits.

Now, we are in a position where the Senate acted in a little different way from the way we had on the number of months of extension. The current form, the one that is before us now, the Senate version extends that period from October 1 for 9 months. That is why we are here.

The bill that we passed was less than 9 months. The Senate made it 9 months. We will concur in the Senate amendment and, thus, ask for passage of this legislation.

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

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

Mr. Speaker, it feels like deja vu all over again. Just 1 week ago, I was on the floor reluctantly supporting a 3-month extension of the Chapter 12 bankruptcy title for family farmers. I did not particularly like last week's bill because it would have allowed Chapter 12 to expire so soon, on January 1, the year 2000.

I knew that Congress would have to come back again this session before we adjourned for the year to ensure that the bankruptcy protection in the form of Chapter 12 was continued. But I supported it because, otherwise, Chapter 12 would have expired on October 1, last Friday.

Well, guess what? Chapter 12 did expire last Friday. That means that, if a family farmer in my State of Wisconsin or, for that matter, anywhere in the United States needs the protection of Chapter 12 today, they do not have it. The law has expired.

The other body realized that a 3-month extension that this House approved was not prudent and passed a 9-month extension that we have before us today.

So once again, I come to the floor wishing we were doing a little more to provide a safety net for our family farmers. While this bill provides a 9-month extension of Chapter 12 bankruptcy protection for family farmers, it still does not give our family farmers a permanent law on which they can rely to protect their farm in the most dire economic circumstances.

I ask the Republican leadership to stop holding family farmers hostage to negotiations with the other body on other matters. The family farmers I represent need the help of this Congress more than the bankers and the credit card corporations on whose behalf we delay making Chapter 12 a permanent part of our Federal code.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 1606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 2401) to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

The Clerk read as follows:

H.R. 2401

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 ''U.S. Holocaust Assets Commission Extension Act of 1999''.

SEC. 2. AMENDMENTS TO THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998.

(a) EXTENSION OF TIME FOR FINAL REPORT.—Section 3(d)(1) of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 9 of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 nt.) is amended—

(1) by striking ''$3,500,000'' and inserting ''$6,000,000''; and

(2) by striking ''1999, and 2000,'' and inserting ''1999, 2000, and 2001,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

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

Mr. Speaker, I rise today to offer the U.S. Holocaust Assets Commission Extension Act of 1999. This bill amends the U.S. Holocaust Assets Commission Act of 1998 to extend the life of the commission for 1 year and authorize it to receive additional funding. As a member of the commission, I can say with confidence that this is a bill that ought to be passed unanimously.

Mr. Speaker, the horrors of the Holocaust are well known, 6 million Jews murdered, along with millions of others deemed undesirable by Adolph Hitler and his followers. What many do not now, however, is that the Holocaust was also the single largest organized theft in history. The Nazis stole, plundered, and looted billions of dollars of assets. A half century later, we are still looking for full accounting.

Though we can never right all the monstrous wrongs that took place during the Holocaust, we have an obligation to find out what happened. We have an obligation to do what we can to bring a measure of justice to the victims of the Holocaust and their families.

In some cases, justice can, indeed, be done. This past summer, for example,

''The Seamstress,'' a painting by Lesser Ury, was turned over to Michael Loewenthal, whose grandparents were murdered during the Holocaust.

It turns out that a friend of Mr. Loewenthal's spotted the painting hanging in a museum in Linz, Austria, and realized it had once been part of the Loewenthal family collection. When Mr. Loewenthal learned of the painting's location, he contacted the New York State Holocaust Claims Restitution Office in New York City, which initiated negotiations on behalf of the Loewenthal family. Eventually the Linz City Council voted unanimously to return the painting.

When he received the painting in July, Mr. Loewenthal was overjoyed. He called the returned painting ''absolutely fantastic, the only link that I have to my grandparents.''

But for every story like this one, Mr. Speaker, there are hundreds of thousands of stories without happy endings. In recognition of this sad fact, 17 nations have established Holocaust historical commissions to investigate the extent to which its property was handled, or mishandled, by their countries.

I am proud to say that the United States has been one of the leaders of this movement. As part of this effort, Congress created the Presidential Advisory Commission on Holocaust Assets in the United States, a commission on which I serve.

This commission was given two tasks: one, to find out what happened to the assets of Holocaust victims that came into the possession of our Government; and, two, to issue a report to the President recommending action necessary to do justice.

While this mission might sound simple, it is anything but. The commission has found more than 75 separate United States Government agencies through which assets of Holocaust victims may have passed, many more entities than was generally thought. The records of each of these offices must first be located and then scoured page by page at the National Archives and other record centers across the United States.

Additionally, the Federal Government is in the process of declassifying millions of pages of World War II era information that may shine additional light on policies and procedures at that time. In total, the Commission will need to examine more than 45 million pages of documents if it is to carry out its mandate.

□ 1500

Members of the Holocaust Assets Commission were named only last November, and the Commission began its work just 10 months ago. Given the enormous volume of material that needs to be examined, and the tremendous importance of being thorough, the Commission needs another year to accomplish its tasks. And I think by citing the sheer volume, Mr. Speaker, of materials that have to be evaluated, we can understand why. This is why myself and my colleagues on the Commission, including the gentleman from New York (Mr. GILMAN); the gentleman from Connecticut (Mr. MALONEY); and the gentleman from California (Mr. SHERMAN) introduced the Holocaust Assets Commission Extension Act along with the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services and a man who has led the way on this issue; and as well, my friend, the gentleman from New York (Mr. LAFALCE), the ranking member on the full panel. This measure simply extends the sunset date of the Commission to December 2000 and authorizes it to receive additional funding.

The effort to create the Holocaust Assets Commission last year was a bipartisan one, and the effort to extend its life is as well. There are no partisan differences when it comes to honoring the memories of victims of the Holocaust and pursuing justice in their names. It is in that spirit that I urge every Member of this House to vote for this bill and, thereby, help the Holocaust Assets Commission complete its important work.

Mr. Speaker, Holocaust survivors are aging and dying, and if we are ever to do justice to them and the memory of the millions who perished at the hands of the Nazis, we must act quickly. In this case, justice delayed is, in fact, justice denied. And with the end of the Cold War, as we have the opportunity to look at the immediate post-World War II period with fresh perspective, we know that additional work needs to be done quickly.

We know that in Europe banks sat on dormant accounts for five decades. We know that insurance companies failed to honor policies held by Holocaust victims. We know that unscrupulous art dealers sold paintings that were extorted from Jews who feared for their lives. We know that gold from Holocaust victims was resmelted, often becoming the basis for financial dealings between large corporate entities. And now each one of these contemptible practices demands a full investigation, daunting as the task may be.

The noted poet and philosopher George Santayana observed that, ''Those who cannot remember the past are condemned to repeat it.'' But the truth must be established before it can be remembered. That is why we created the United States Holocaust Assets Commission, and that is why the life of the Commission must be extended. Given the necessary time and funds, I am confident that the United States Holocaust Assets Commission will establish that America is doing all it can to return all manner of assets to their rightful owners. In so doing, we will confirm our leadership in the international effort to obtain justice for the victims of the Holocaust and their families.

Finally, once again, Mr. Speaker, I want to applaud the efforts of the full panel chairman, the gentleman from Iowa (Mr. LEACH), for conducting hearings and his tenacity in seeking justice.

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

Mr. LAFALCE. I yield myself such time as I may consume.

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

Mr. LAFALCE. Mr. Speaker, I rise today in support of H.R. 2401, a bill that would extend the life of a commission charged with the important responsibility of recommending to the President the appropriate course of action on the recovery of Holocaust-era assets to their rightful heirs.

We have had a number of committee hearings and have learned from those hearings that the more we exhume the horrors of the Holocaust, the more we learn about the need to do more to redress the wrongs of the past. The harder we work to provide restitution to aggrieved victims of that period, the more legitimacy we add to victims' claims and the further along we move in the path toward preventing these horrible events from ever occurring again.

The bill we take up today extends the life of the United States Holocaust Assets Commission and authorizes additional needed resources to complete the daunting tasks the Commission is currently undertaking. As we have learned from our committee hearings, the challenges of achieving just compensation for Holocaust victims are significant.

For one thing, no amount of money can undo the injustices and horrors suffered by Holocaust victims. But in the ongoing effort to achieve justice and to render accountable those who committed crimes against humanity, we have become aware of very difficult legal and logistical challenges in bringing about a meaningful process to compensate those victims. For example, existing documentation is often sketchy, misleading, incomplete, or anecdotal, which makes it difficult to arrive at a full and complete historical record. But, Mr. Speaker, the need to reach meaningful conclusions as to how best to compensate Holocaust victims fully justifies the extension of the Commission's life and the authorization for additional funds.

Let me also point out that under the very able leadership of Deputy Treasury Secretary Stuart Eizenstat worldwide Jewish organizations, the German government, and a group of German companies will meet this week in Washington in an effort to agree on a just level of compensation for victims of forced labor during the Holocaust. The chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), and I recently wrote German Chancellor's special representative on these matters to urge just compensation and utmost generosity and expeditiousness, particularly given the advanced age of so

many victims of forced labor. We are united in full support of Mr. Eizenstat on this process, and we want everyone who will be coming to the table this Wednesday to know and understand that. And I hope it will yield the best results for victims.

Mr. Speaker, the difficulties faced in the process of compensating victims of forced labor only exemplifies the importance of our full support for organizations such as the U.S. Holocaust Assets Commission. I therefore urge each and every one of my colleagues to support H.R. 2401.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of this 1-year extension of the Holocaust Assets Commission and the important work that it is engaged in.

I think of the events that have occurred in this century, and certainly the Holocaust stands out as one of the most shameful in human history and certainly in this century. As the philosopher said, it demonstrates man's inhumanity to man.

And clearly, with the Commission's work and the cooperation that has been achieved on a global basis, I think that the attempt here to try and restore the property, the gold, the financial assets and arts and cultural property, and, of course, the new issue that has arisen, the whole issue of slave labor by these individuals that were subjected to such horrific treatment during that era in our history is being addressed.

I think these are very complex issues and clearly the responsibility lies with that face of industry as well as with the countries that are involved, but it obviously has roots that move well beyond Germany and into other countries where financial arrangements and indifference, to some extent, permitted this to work in all of its horror.

So I think that the additional year that is provided here will help us. It has been said before, but it can be said again, that we cannot put this behind us until it is all in front of us. And clearly those that have the most experience and who experienced these tragic circumstances, we are losing them. But the living history that they have provided and the insights, I think, are very much honored by the effort of this Commission and the global effort to try to rectify in some small way the trespasses that occurred in this century of human history.

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

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

Once again I would ask, based on the bipartisan support that we have for 2401, and in the interest of justice, that we move this ahead with the approval on the part of the House.

Mr. GILMAN. Mr. Speaker, I rise in strong support to suspend the rules and pass H.R. 2401, amending the U.S. Holocaust Assets Commission Act of 1998 extending the period by which the final report is due and to authorize additional funding. I have strongly supported efforts to compensate Holocaust survivors since Edgar Bronfman and Israel Singer of the World Jewish Restitution Organization first informed me of the issue of unclaimed communal property in Eastern Europe in 1995.

Since then, our State Department and organizations such as the World Jewish Restitution Organization, an umbrella group for a number of major Jewish organizations both here in the U.S. and abroad, have worked to further that goal. Under their leadership, progress has been made; however that progress has been slow due to the complexity of the issues among many different governments, companies, banks, and individuals.

I was a cosponsor of the U.S. Holocaust Assets Commission Act of 1998, which was a landmark in efforts to make progress in the area of compensation for Holocaust victims.

It is unfortunate that, though the legislation which created the U.S. Holocaust Assets Commission was signed into law by President Clinton back in July of 1998, the first meeting of this Commission did not take place until March of 1999, nine months later. At that first meeting I expressed my belief that the December 31st reporting deadline provided insufficient time to tackle the various issues required by the legislation, and that extending the life of the Commission was an absolute necessity.

We in the Congress must recognize the grave responsibility which our nation has to the Holocaust survivors and their families, many of whom are American citizens, and treat the issue of Holocaust era assets as a high priority, encouraging other governments to do the same. In order to do this, it is necessary to allow additional time for the Commission to conduct essential research on the collection and disposition of these Holocaust-era assets.

Accordingly, I urge my colleagues to support this legislation.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 2401, legislation that would extend the authorization for the Presidential Advisory Commission on Holocaust Assets through December 21, 2000. As a cosponsor of this bill, I am pleased that Congress will be acting in time to ensure that this important Commission has both the resources and additional time it needs to complete its investigation and present a report to Congress.

Under current law, the authorization for this Commission would expire on December 31, 1999. Imposition of this deadline would mean that the Commission has sufficient time to comply with all of its archival information and prepare a report to Congress on the disposition of Holocaust assets that came into the possession of the U.S. government. This bill would provide $2.5 million in additional federal funding to ensure that this investigative work continues.

The House Banking Committee created this Commission as part of our ongoing effort to help Holocaust victims and their families to recover their assets which were lost during the Holocaust. I believe we must ensure that the U.S. government has properly reimbursed these victims and their families for any assets which they may have received. For many of these victims, the search for truth has already taken too long and this report to Congress may help to clear up one area of concern. In my district, there are many Holocaust victims and their families who would benefit from these recovered assets and who are seeking redress for past actions.

Just recently, the House Banking Committee held another hearing on Holocaust issues. At this hearing, the U.S. Department of Treasury Deputy Secretary Stuart Eizenstat, a member of this Commission, testified about the progress being made in securing information from government agencies. Treasury Deputy Secretary Elizenstat stated that the Commission recently released a map of the 75 total federal agencies which had some knowledge of Holocaust assets. This map shows how much information will have to be reviewed before a report to Congress can be completed and I believe that this legislation will help provide the necessary time and resources to meet this challenge. Deputy Secretary Eizenstat also strongly expressed the Clinton Administration's view that we should approve this legislation in a timely manner to ensure that the Commission's work continues without delay.

I urge my colleagues to support H.R. 2401, legislation to ensure that the Holocaust Assets Commission completes its valuable investigation.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 2401, legislation to extend the life of the U.S. Holocaust Assets Commission and to authorize additional funds necessary for the Commission. I want to commend our colleague from New York, Mr. LAZIO, the author of this legislation, as well as Chairman of the Banking Committee, Congressman JIM LEACH of Iowa, who introduced the original legislation establishing the U.S. Holocaust Assets Commission, which this body adopted in April of 1998.

Mr. Speaker, this legislation is important and necessary. Because of delays that are normal in starting any new organization as well as the enormous amount of information that the Commission must review, the Commission requires another year to complete its tasks. This legislation provides an extension of time and authorizes the additional funding necessary for the Commission to complete its work.

Mr. Speaker, my colleagues know well the horrors of the Holocaust—six million news brutally and systematically murdered, hundreds of thousands of others slaughtered because they were deemed ''inferior'' by the Nazis. What is less well known is that the Nazis, as part of this horrendous effort, also stole and looted billions of dollars of assets from many of these same victims. Over half a century after these atrocities were brought to an end, we still do not have a full accounting of these plundered assets.

Under the outstanding leadership of Deputy Secretary of Treasury, Stuart Eizenstat, the United States has been the leading nation in establishing which Holocaust-era assets may have been plundered and in establishing policies for dealing with such assets. I want to pay tribute to Ambassador Eizenstat for his careful and thoughtful attention to these issues.

Mr. Speaker, resolving the issue of Holocaust-era assets is a moral issue. This is a final opportunity to bring a small measure of justice to Holocaust survivors, who lost families and their way of life over half a century ago. These victims are getting older, and their

numbers are constantly diminishing. This is our last brief opportunity to help them.

I urge my colleagues to join in supporting this important legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 2401, The U.S. Holocaust Assets Commission Extension Act of which I am a proud cosponsor. Last year Congress passed legislation creating the Presidential Advisory Commission on Holocaust Assets in the United States. The creation of the Commission made clear the Congress' belief that knowledge of the whereabouts of Holocaust assets in the possession of the U.S. Government should be documented and those assets should be dealt with in a just and prompt manner.

At a time when Holocaust survivors are aging and the U.S. Government is engaged in reparations negotiations on several fronts, we should certainly remain committed to a timely and thorough resolution of Holocaust assets issues in which the U.S. Government may be involved. H.R. 2401 will ensure that the President's Advisory Commission on Holocaust Assets in the United States is given the time and resources necessary to complete its work. While a timely resolution is indeed of the utmost importance, it is reasonable to grant a year-long extension of the Commission. This one-year extension will facilitate a thorough and fair assessment of the United States' efforts to return Holocaust era assets of which our government is in possession.

While we are actively pursuing reparations internationally on behalf of Holocaust victims and survivors, we also need to look carefully at the role of the United States. The United States has been a strong leader on Holocaust claims issues. We should also set an example of what it means to conduct transparent self-evaluation.

Passage of H.R. 2401, and the subsequent extensions of the President's Advisory Commission on Holocaust Assets in the United States, will allow the U.S. to continue to play a leadership role. Hopefully, in the year to come we will witness some measure of justice for Holocaust survivors and family members of Holocaust victims.

I commend the work the Commission has done to date as well as the sponsors of this legislation. I urge all members to vote in support of H.R. 2401.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of the U.S. Holocaust Assets Commission Extension Act of 1999, which amends the U.S. Holocaust Assets Commission Act of 1998 to extend the life of the Commission for one year and authorize it to receive $2.5 million in additional funding.

I applaud Representatives RICK LAZIO, BENJAMIN GILMAN, JIM MALONEY and BRAD SHERMAN for their leadership on this issue. These four gentlemen are members of the Holocaust Assets Commission and original cosponsors of this important bill. In addition, Banking Committee Chairman JIM LEACH and Banking Committee Ranking Member JOHN LAFALCE are also original cosponsors of the bill.

Seventeen nations have established Holocaust historical commissions to investigate the extent to which the assets of victims of the Holocaust were handled, or mishandled, by their countries. As part of this effort Congress passed legislation last year creating the Presidential Advisory Commission on Holocaust Assets in the United States. H.R. 2401 extends by one year (from December 31, 1999 to December 31, 2000) the deadline for the Commission to issue its final report to the President. The bill also authorizes the Commission to receive an additional $2.5 million to cover expenses for the additional year.

Congress established the Holocaust Assets Commission (P.L. 105–186) last year to (1) study and develop a historical record of the collection and disposition of specified assets of Holocaust victims if they came into the possession or control of the federal government, including the Board of Governors of the Federal Reserve System or any Federal Reserve bank, at any time after January 30, 1933; (2) coordinate its activities with those of private and governmental entities; (3) review research conducted by other entities regarding such assets in the U.S.; and (4) report its recommendations to the President.

Members of the Holocaust Assets Commission were named only last November, and the Commission began its work just ten months ago. The Commission requested an additional year to complete its work due to the unexpected volume and complexity of the material it needs to examine.

The effort to create the Holocaust Assets Commission last year was a bipartisan one, and the effort to extend its life has been as well. Accordingly, I urge my colleagues to support this measure.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 2401.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2401, the bill just passed.

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

There was no objection.

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION (WHO)

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1794) concerning the participation of Taiwan in the World Health Organization (WHO), as amended.

The Clerk read as follows:

H.R. 1794

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

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

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

(1) Good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right.

(2) Direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS.

(3) The World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people.

(4) In 1977, the World Health Organization established ''Health For All By The Year 2000'' as its overriding priority and reaffirmed that central vision with the initiation of its ''Health For All'' renewal process in 1995.

(5) Taiwan's population of 21,000,000 people is larger than that of 3/4 of the member states already in the World Health Organization.

(6) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to be rid of polio and provide children with free hepatitis B vaccinations.

(7) The World Health Organization was unable to assist Taiwan with an outbreak of enterovirus 71 which killed 70 Taiwanese children and infected more than 1,100 Taiwanese children in 1998.

(8) In recent years Taiwan has expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but has ultimately been unable to render such assistance.

(9) The World Health Organization allows observers to participate in the activities of the organization.

(10) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(11) In light of all of the benefits that Taiwan's participation in the World Health Organization could bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization.

(b) REPORT.—Not later than January 1, 2000, the Secretary of State shall submit a report to the Congress on the efforts of the Secretary to fulfill the commitment made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in international organizations, in particular the World Health Organization (WHO).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. Speaker, this Member rises in support of H.R. 1794, a resolution calling for Taiwan's participation in the World Health Organization, WHO. This is a bipartisan resolution, Mr. Speaker, which was approved unanimously by the Subcommittee on Asia and the Pacific of the Committee on International Relations on June 23, 1999. This Member congratulates the distinguished gentleman from Ohio (Mr.

BROWN) for bringing this matter before this body, and I was pleased to join him as a cosponsor.

The WHO is a nonpolitical United Nations affiliated agency with 191 participating entities. It seeks to provide the highest possible level of health for all people. There is strong support for the people of Taiwan being afforded the opportunity to participate in a meaningful way in the WHO and take advantage of the information and services that this international organization offers. Given the fact that international travel makes the transmission of communicable diseases much more prevalent, it is illogical to deny WHO services to Taiwan's population of more than 20 million people.

The threat of communicable disease transmission has become much more apparent to Americans in the past week with the outbreak in New York of a rare and very deadly form of African encephalitis. It is speculated this disease was brought to the United States in an aircraft or on a cargo vessel. This outbreak demonstrates just how porous America's borders have become. In such a world of easy transit, it defies logic to exclude 20 million people from this international disease prevention organization.

In addition, Mr. Speaker, there is no doubt that Taiwan can offer much in terms of medical and pharmaceutical expertise. Their longevity rate is nearly the highest in Asia. Specialists from Taiwan have unique skills in a number of areas where we in the West lack the expertise. The potential for cooperation is obvious.

Mr. Speaker, H.R. 1794 speaks only of ''appropriate and meaningful participation in the WHO.'' No one, I think, can responsibly argue with that position.

H.R. 1794 also requires that the executive branch report on its effort to promote such participation. There is no desire in this body to force the executive branch to telegraph its best strategies to those who seek to deny Taiwan's appropriate treatment, and reporting requirement need not make such revelation. However, given the strong views held by many in this body, it is entirely appropriate to ask that the administration report to the Congress on its activities.

Mr. Speaker, this Member urges adoption of H.R. 1794.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1794. In addition, I would like to thank my numerous colleagues, especially the gentleman from Nebraska (Mr. BEREUTER), who have given their support to this bill, also including the gentleman from California (Mr. COX), the gentleman from Ohio (Mr. CHABOT), and others.

Two weeks ago, Mr. Speaker, Taiwan was struck by a devastating earthquake. It is not hard for us to empathize with the thousands of Taiwanese people who found themselves trapped under rubble, praying that someone would come to their rescue; that someone would respond to their cries for help; or for us to imagine how we might react if our family members were trapped under these buildings.

Yet, in the aftermath of this disaster, unlike the immediate offers of help to the victims of the earthquakes in Greece and Turkey, international relief efforts were actually dragged out and postponed while scores of Taiwanese were fighting for their lives.

□ 1515

And we know why they were forced to wait for help, even though they themselves, the Taiwanese as a people, have provided hundreds of millions of dollars in assistance to victims of wars and famines and disaster all over the world. That is because even in Taiwan's darkest hour, the United Nations first had to receive permission from the People's Republic of China before they could help Taiwan.

That is the reality of the One China policy. No matter how dire the situation, the human rights and the Taiwanese people take a back seat to Cold War geopolitics that frankly no longer serve any useful purpose. Unless we start doing something about it, unless we start to stick up for what is right, unless we start helping Taiwan instead of hindering it, then we will wind up letting China's dictators think they can continue to deny their people and the Taiwanese people their fundamental human rights.

Today we are taking a step in the right direction, because regardless of the One China policy, access to first-rate medical care is a fundamental human right. I said it before, and I will say it again. Children cry the same tears whether they are in Lorain, Ohio, or Taipei, Taiwan. Denying them access to the latest medical innovations that can ease those tears is just as criminal as violating their other basic rights.

H.R. 1794 is a step in the right direction and recognizes that human suffering obviously transcends politics. For the first time ever, Congress is requiring the State Department to find a role for Taiwan in the most beneficial of all international institutions, the World Health Organization, an outfit that is dedicated to eradicating disease and improving the health of people around the world regardless of the conditions imposed on them by any of the world's governments.

Its achievements in this regard are nothing short of remarkable. In this past century, smallpox claimed hundreds of millions of lives, killing more people than every war and epidemic put together. Because of the tireless efforts of the World Health Organization, this scourge has been totally eradicated.

In 1980, only 5 percent of the world's children were vaccinated against preventable diseases. Today, the WHO has vaccinated more than 80 percent of the kids in the world, saving the lives of three million children each year. These diseases include polio, a virus unparalleled in its cruelty and suffering. The WHO has eradicated it from the Western Hemisphere. Similarly, measles, a killer of a quarter of a million children worldwide each year, is targeted for eradication by 2001.

Infectious disease and sickness are not limited to political borders, and the results of Taiwan's exclusion from the WHO have been tragic. Young children and older citizens who are particularly vulnerable to a host of emerging infectious diseases, such as the Asian Bird Flu, are without the knowledge and expertise shared among the member nations of the WHO.

With increased travel and trade among many members of our global village, these diseases do not stop at national borders. So why should we erect boundaries to shared information which would help improve the health of Taiwanese children?

Mr. Speaker, denial of Taiwanese participation in the WHO is an unjustifiable violation of its people's fundamental human rights. Good health is a basic right for every citizen of the world, and Taiwan's admission to the WHO would help foster that right for its people.

I call on all of my colleagues to support H.R. 1794 and Taiwan's right to participate in the World Health Organization.

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

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in strong support of H.R. 1794.

Mr. Speaker, I am pleased to join my friend from Ohio (Mr. BROWN) in sponsoring this legislation, and I am hopeful that we will garner the overwhelming support of the House.

As my colleague has stated, H.R. 1724 requires the Secretary of State to report to Congress on the efforts of the State Department to fulfill the commitments made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in international organizations, in particular the World Health Organization.

The people of Taiwan have a great deal to offer the international community. It is terribly unfortunate that even though Taiwan's achievements in the medical field are certainly substantial and it has expressed a repeated willingness to assist both financially and technically in World Health Organization activities, it has not been allowed to do so. Passage of H.R. 1794 will, hopefully, prompt our Government to promote that effort.

It is simply a travesty that during times of crisis, such as the 1998 entovirus outbreak in Taiwan, the World Health Organization has been unable to help. That virus killed 70

Taiwanese children and infected more than a thousand.

Only 2 weeks ago, the tragic earthquake in Taiwan that claimed more than 2,000 lives occurred. Sadly, we learned in published reports that the Communist Government of the People's Republic of China, whose belligerent insistence that Taiwan be denied a role in international organizations, demanded that any aid for Taiwan provided by the United Nations and the Red Cross receive prior approval from the dictators in Beijing.

Mr. Speaker, in times of national emergency, Taiwan is deserving of assistance from the international community. The absurd policy denying or delaying that assistance must be changed.

I want to again thank and commend my colleague from Ohio (Mr. BROWN) and also the gentleman from Nebraska (Mr. BEREUTER) for their work on this very important legislation, and I urge my colleagues to support it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time.

I certainly rise in congratulations of both gentlemen from Ohio in drafting H.R. 1794.

This measure is concerned with Taiwan's participation in the World Health Organization. Public health is a basic right and concern of all people no matter what their political status or their political standing in the world.

The mission of the World Health Organization is to promote, maintain, and advocate on public health issues globally, who includes as one of its objectives the goal of attaining the highest possible level of health for all people. And Taiwan in many respects has one of the more advanced scientific and medical establishments in Asia, as those of us in Guam, which is 3½ hours flying time from Taiwan, know well.

Yet, because Taiwan has been prohibited from full participation in international organizations associated with the U.N., many opportunities are lost to help the people of Taiwan. And in turn, the world may lose out from their experiences and expertise.

Indeed, tragically because of these political obstacles, WHO was unable to assist the government of Taiwan during a serious viral outbreak in 1998. This is why it is altogether appropriate that we support this resolution. Since common sense dictates that good health transcends politics and history, Taiwan should be permitted to participate in a meaningful way with the WHO. This can be done without violating U.S. foreign policy that supports the One China policy. Without compromising that policy, the U.S. Government could support Taiwan's participation in the WHO in the name of saving lives and promoting universal public health.

I urge all of my colleagues to support this measure.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time in order to close.

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

Mr. BEREUTER. Mr. Speaker, I urge my colleagues to favorably consider and vote for the resolution.

Mr. ORTIZ. Mr. Speaker, I rise today to ask for the support of the House in passing H.R. 1749, the resolution to support Taiwan for membership in the World Health Organization.

Let us begin by asserting a simple truth: disease and disaster know no borders. This resolution will be progress made possible by a policy the United States adopted in 1994, which encouraged Taiwan's participation in various international organizations.

When I was in Taiwan in August, I met and spoke personally with the country's surgeon general. We talked about the virtues of Taiwan's admission to the WHO, and that was prior to the devastating earthquake which killed and injured so many people. The international response to Taiwan in this hour of need was slowed by the fact that Taiwan was not a member country of the WHO.

Taiwan's progression on matters related to health care is legendary in Asia. They have the highest life expectancy levels in Asia; they have implemented successful vaccination programs; and their maternal and infant mortality rates are comparable to those of Western nations. It was also the first Asian nation to eliminate polio and it was the first country worldwide to innoculate its children (for free) for hepatitis B.

Taiwan has a world class economy and their health care system is quite advanced. Their membership in the WHO would be just as beneficial (or more so) to the other member nations as it would be for themselves.

This bill requires the State Department to find a role for Taiwan in one of the most important international organizations, the World Health Organization. The WHO is dedicated to eradicating disease and improving the health of people worldwide.

So, let me end where I began * * * infectious disease and disasters are not limited by political borders, and Taiwan's exclusion from WHO is tragic. Taiwan's young people and the elderly population, who are particularly vulnerable to many emerging diseases, such as the Asian Bird Flu, simply should not be without the knowledge and expertise shared by the member nations of WHO.

Please join me in passing this resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 1794 concerning Taiwan's participation in the World Health Organization (WHO).

I want to commend the gentleman from Ohio, Mr. BROWN, for introducing, advocating this measure and for his perseverance on this issue.

I also thank the gentleman from Nebraska, Mr. BEREUTER, chairman of the Subcommittee on Asia and the Pacific, for helping to bring the measure before us today.

We all agree that good health is the basic human right of people everywhere. That right, though, can only be guaranteed if all people have unfettered access to all available resources regarding health care.

The World Health Organization, a United Nations body which has 191 participating entities, is one of those important resources. But today, regrettably, Taiwan, a nation of 21 million people, has been denied a share in that basic human right. This is wrong and it is high time we correct that wrong.

There are opportunities for Taiwan to pursue observer status in the WHO which would allow the people of Taiwan to participate in a substantive manner in the scientific and health activities of this important health organization.

It is time for the Clinton administration to do the right thing, to take affirmative action, and to seek appropriate participation for Taiwan in the WHO.

Accordingly, I call upon the administration to pursue all initiatives in the WHO which will allow these 21 million people to share in the health benefits that the WHO can provide.

I am proud to be a cosponsor of this bill and I urge my colleagues to fully support this measure.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 1794 concerning the participation of Taiwan in the World Health Organization (WHO). I want to pay tribute to our distinguished colleague from Ohio, Mr. SHERROD BROWN, for introducing this important bill. I also want to express my thanks for their support of this legislation the Chairman of the Asia Subcommittee, Congressman DOUG BEREUTER of Nebraska, as well as the Chairman of the International Relations Committee, Congressman BENJAMIN A. GILMAN of New York, and the Ranking Democratic Member of the Committee, Congressman SAM GEJDENSON of Connecticut.

The time is long overdue for Taiwan to participate in the World Health Organization, Mr. Speaker. Taiwan, with its population approaching 22 million people, is larger than three-quarters of the countries which are members of the World Health Organization. Taiwan has a large, highly-educated and well-trained medical community. Many of these, I should add, are individuals who have been trained in the finest medical institutions here in the United States. Furthermore, Taiwan is a country with extensive economic, social and cultural links with the rest of the world. It has the resources to make an important contribution to the activities of the World Health Organization. It is unfortunate and counterproductive to continue to exclude Taiwan from participation in the work of the World Health Organization.

Mr. Speaker, some five years ago, in the 1994 Taiwan Policy Review, the Department of State agreed more actively to support the participation of Taiwan in international organizations, and in particular its participation in the World Health Organization. Our legislation will help focus our government's efforts to encourage this laudable goal.

Mr. Speaker, I urge my colleagues to join me in supporting this important piece of legislation.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 1794, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1794.

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

There was no objection.

CONDEMNING KIDNAPPING AND MURDER BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA OF THREE UNITED STATES CITIZENS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 181) condemning the kidnapping and murder by the Revolutionary Armed Forces of Colombia (FARC) of 3 United States citizens, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay.

The Clerk read as follows:

H. RES. 181

Whereas Ingrid Washinawatok, a member of the Menominee Indian Nation of Wisconsin, Terence Freitas of California, and Lahe'ena'e Gay of Hawaii, were United States citizens involved in an effort to help the U'wa people of northeastern Colombia;

Whereas Ms. Washinawatok, Mr. Freitas, and Ms. Gay were kidnapped on February 25, 1999 by the Revolutionary Armed Forces of Colombia (FARC), a group designated a foreign-based terrorist organization by the United States Department of State;

Whereas the FARC brutally murdered these 3 innocent United States civilians, whose bodies were discovered March 4, 1999;

Whereas this Congress will not tolerate violent acts against United States citizens abroad;

Whereas the FARC has a reprehensible history of committing atrocities against both Colombian and United States citizens, including over 1,000 Colombians abducted each year and 4 United States civilians who were seized for a month in 1998;

Whereas it is incumbent upon the Government of Colombia to quickly and effectively investigate, arrest, and extradite to the United States those responsible for the murders of Ms. Washinawatok, Mr. Freitas, and Ms. Gay; and

Whereas the United States Federal Bureau of Investigation (FBI) is empowered to investigate terrorist acts committed against United States citizens abroad: Now, therefore, be it

Resolved, That the House of Representatives—

(1) decries the murders of Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay;

(2) strongly condemns the Revolutionary Armed Forces of Colombia (FARC);

(3) calls on the Government of Colombia to find, arrest, and extradite to the United States for trial those responsible for the deaths of these United States citizens; and

(4) emphasizes the importance of this investigation to the United States Federal Bureau of Investigation (FBI) and urges the FBI to use any and every available resource to see that those who are responsible for the deaths of these United States citizens are swiftly brought to justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 181.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, the distinguished gentleman from Wisconsin (Mr. GREEN) and a bipartisan group of cosponsors brought this important resolution before the House.

In early March, three Americans were in Colombia trying to help an indigenous group when they were brutally murdered by the Revolutionary Armed Forces of Colombia (FARC). The FARC, designated by the State Department as a foreign-based terrorist group, killed these people in cold blood. These senseless deaths have brought the total of innocent American lives taken in Colombia by the FARC and the National Liberation Army to 15.

This resolution will put the House of Representatives on record as condemning this heinous crime and calling for those responsible to be swiftly brought to justice. I urge my colleagues to unanimously support H. Res. 181.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. Speaker, I rise in strong support of this resolution to condemn the slaying of these three individuals, three Americans.

We should be mindful that we should not tolerate the murder of U.S. citizens anywhere in the world. But we should also take this opportunity to remind ourselves of the work of these three individuals, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay of Hawaii.

These three individuals were involved in the work of helping indigenous groups in Colombia. It is entirely appropriate that we draw attention to the efforts on behalf of native groups around the world in this, the international decade of the world's indigenous peoples.

While we take the time and the effort to call upon the Colombian Government to exert all effort to make sure that the perpetrators of these heinous crimes be brought to justice, we should also take the time to understand that the work of helping indigenous peoples throughout the world continues on and that we need to support their work.

We need to support their work not only individually. And as our hearts go out to the families of these three individuals, we should also remind ourselves and call upon the State Department to continue to support resolutions and actions in support of indigenous groups, particularly in our own State Department's work in the United Nations as declarations are pursued there and in the organization of American States.

Again, I rise in very strong support of this resolution.

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

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN), the author of the resolution.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me time. I also want to extend my thanks to the gentleman from New York (Chairman GILMAN) for his work on this resolution. I appreciate their support very much.

Mr. Speaker, I rise to speak in support of H. Res. 181, decrying the murder of these three U.S. citizens in Colombia, particularly Ms. Ingrid Washinawatok, a member of the Menominee Indian Nation in my own congressional district in northeastern Wisconsin. Ingrid deserves our gratitude and admiration.

In these times when so many people offer little more than words and wishes, Ingrid walked the walk. She backed up her words and beliefs with constructive action. Time after time, Ingrid put her life on the line for what she believed in, often operating in dangerous, treacherous environments all around the world. She sacrificed throughout her life; and, in the end, she sacrificed her life itself.

She was only 42 years old when she died at the hands of terrorists in Colombia. At the time that she was kidnapped, she and her two companions, as was mentioned by my colleague from Guam, were involved in an effort to better the lives of the U'wa people in northeastern Colombia through education.

She had a vision, a vision of a better world, and she devoted her life to turning that vision into reality. But her work in Colombia was only the latest example of her devotion to that great vision. She traveled throughout the globe and tried to leave, she and her companions, each place that she worked just a little bit better than when she had first arrived.

She is survived by her family and friends both in Wisconsin and in New York. But I think we all will miss her

and mourn her, her and her companions, because with their passing, we all lose something.

Mr. Speaker, H.R. 181 uses the force of this Congress to decry the murders of Ingrid and Mr. Freitas and Ms. Gay. It was members of FARC who kidnapped these three U.S. citizens. It was members of FARC who killed them just 2 days later.

□ 1530

These actions were reprehensible and they were intolerable. We must send a message today to FARC and other groups who would commit brutal crimes just as this that U.S. citizenship means something, and that the U.S. will not stand for acts of aggression against its citizens anywhere in the world.

This resolution also strongly condemns FARC itself for its actions. FARC is a recognized terrorist organization. It has a horrifying history of atrocities, of thuggery.

Finally, this resolution calls upon the government of Colombia and our own FBI to expedite and intensify their efforts to find and arrest those responsible. We must find them, if citizenship is going to mean anything, and they must be extradited to the U.S. for a trial.

Again, I want to thank the gentleman from New York (Mr. GILMAN), the gentleman from Nebraska (Mr. BEREUTER) and the members of the Committee on International Relations for their support, their work, and their assistance on this.

I urge my colleagues to support this resolution to honor the memories of these Americans, to make sure that justice is done, and to protect our citizens abroad in the future.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in very strong support of this resolution, and I thank the sponsors of this resolution for allowing the House to deliberate on its contents. This resolution condemns the brutal, senseless killings in Colombia of three dedicated activists, one of whom was from my district. Lahe'ena'e Gay was from the big island. We mourn her death, her brutal, senseless murder, as well as that of Ingrid Washinawatok and Terence Freitas.

My constituent, Lahe'ena'e Gay, was the founder of Pacific Cultural Conservancy International, and she devoted her life to preserving the cultural identity and integrity of indigenous peoples. She and her two colleagues were on a mission to northeastern Colombia to assess whether they might be able to assist the U'wa people in preserving their heritage in the face of outside influences, development and exploitation.

As we all know when we read to our horror on March 4 that the bodies of Ms. Gay, Ms. Washinawatok and Mr. Freitas were found, they had been kidnapped from Bogota and bound and gagged and shot to death and dumped across the border into Venezuela. We have been advised that this was the action of the Revolutionary Armed Forces of Colombia, FARC as they are known.

It was terribly disturbing to me, especially not only because Ms. Gay was from my constituency but I had just returned from a trip with my subcommittee, chaired by the gentleman from Florida (Mr. MICA), to visit Colombia and to hear such reassuring words about the progress of the government there regaining control of the country and doing something about the drug trade. And then to come back and learn that this terrible act had been done is truly a crushing defeat of the progress that we had been told had been achieved.

So I am pleased that the House has this time this afternoon to consider this resolution and to condemn the actions of these terrorists in Colombia.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to close before the gentleman from Nebraska does by pointing out what has already been said here today, that the murder of these three American citizens was senseless, brutal and really unforgivable. The FARC has yet to cooperate with Colombian authorities and U.S. officials to help resolve this case. If the FARC is going to persist in its claims to be a credible player in the peace process in Colombia, they need to begin by taking responsibility for their actions, by helping those who are accountable for these atrocities to be brought to justice, and to help send a message to put an end to this type of barbaric behavior in the future. We strongly condemn the actions of the FARC and recommend for the sake of the families of those unfortunate individuals involved as well as for the sake of peace in Colombia that the perpetrators be brought to justice. I strongly urge support of the resolution.

Mr. RYAN of Wisconsin. Mr. Speaker, today the House considered H. Res. 181, to condemn the murder of Americans by the Revolutionary Armed Forces of Colombia. These victims of the escalating violence in Colombia were from Wisconsin, and I would like to thank my colleague MARK GREEN for introducing this important resolution. I would also like to bring to your attention another situation in Colombia that hit close to home.

This month, we are upon the one-year anniversary of the alleged assassination of Colombian citizen Maria Hoyos. Maria was a close friend of Dr. Frederick and Ronnie Wood and their family that live in the district I serve. Mr. Wood told me about Maria's October 28, 1998, assassination and questioned how the United States could let Colombia, a nation in our own backyard, fall through the cracks of our worldwide effort at helping countries grow both economically and democratically.

Maria del Pilar Vallejo de Hoyos came to Kenosha, Wisconsin, for the first time over twenty years ago as an exchange student. She stayed in the Woods' home and has been like a sister to the Woods' three daughters and a general member of the family. Maria returned to Wisconsin several times over the years and kept in touch. During Maria's last trip to Kenosha, her son, Guilermo, was the ring bearer at one of the Woods' daughter's wedding. In Colombia, she had completed law school and had been elected at different times to the Manizales City Council and the Caldas State Assembly.

In Colombia, President Andres Pastrana has tried unsuccessfully to negotiate peace between the Marxist rebels (the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN)). But the rebels' power and influence in Colombia has grown substantially by collaborating with Colombia's drug-traffickers and the money they provide. This is a symbiotic relationship—the Marxist rebels supply protection for the drug lords in return for the money to arm themselves against the Colombian government.

Alarmingly, drug trade in Colombia amounts to between 25 and 35 percent of the country's total exports. From this bounty, the rebel guerrillas have been able to support their war against the Pastrana government. Some estimates put the FARC and ELN control over Colombian territory at 50 percent with significant influence over more than half of the country's municipalities.

I am not willing to continue the Administration's policy of throwing more money at Colombia if it is not utilized properly through a well-designed anti-drug strategy. However, both the Administration and Congress have been remiss in their haphazard guidelines for certification, decertification, and national interest waivers in the anti-drug war.

Since 1990, Colombia has received almost $1 billion in U.S. anti-drug aid, yet cocaine and heroin production has continued its steady increase. In fact, a June GAO report concluded that Colombia's future cocaine production could jump 50 percent. On top of no relief in sight from future drug production, the country is suffering through its worst recession since the 1930s. The economy is predicted to shrink further by 3.5% in 1999, and the central bank recently allowed the Colombian peso to float, creating instability of the peso against the U.S. dollar. The growing strength of the Marxist rebels and drug trade combined with Colombia's faltering economy and growing income inequalities is a lethal combination.

I would like to thank the Speaker for the hard work he has put in to shaping U.S. policy toward Colombia. Through the efforts of Speaker HASTERT and other Members, Congress has developed direct ties with the Colombian government and has eclipsed the Clinton Administration's efforts to combat the narco-democracy engulfing Colombia. I strongly support the efforts of Speaker HASTERT and Government Reform Chairman DAN BURTON, who feel passionately about the war on drugs and the effect it is having on the Colombian people.

Both Congress and the Clinton Administration need to look more closely at the problem brewing in Colombia before it threatens Western Hemisphere stability. As I have found out through Dr. Fred Wood in Kenosha, the growing violence in Colombia has already reached

my district, and I want to ensure that other upstanding Colombian citizens do not meet Maria Hoyos fate while trying to maintain a legitimate democracy in Colombia.

Mr. GILMAN. Mr. Speaker, Representative MARK GREEN of Wisconsin and a bipartisan group of co-sponsors brought this important resolution before our Committee.

In early March, three Americans were in Colombia trying to help an indigenous group when they were brutally murdered by the Revolutionary Armed Forces of Colombia. The FARC—designated by the State Department as a foreign-based terrorist group—killed these people in cold blood. These senseless deaths have brought the toll of innocent American lives taken in Colombia by the FARC and the National Liberation Army to 15. As of today, 12 Americans are being held hostage by these terrorist groups. Moreover, we still do not know the fate of the longest held captives, Mark Rich, David Mankins and Rich Tenenoff, kidnapped by the FARC in 1993.

I have written to Secretary of State Madeleine Albright to ask that the perpetrators of the murder of the three innocent Americans who are the subject of the resolution before us today be included under the Department of State's Counter-terrorism Reward Program. I recently sponsored legislation that increased the reward under this program to $5 million. I hope that widely publicizing this reward in Colombia will speed the arrest and conviction of those responsible for this reprehensible crime.

Accordingly, I urge my colleagues to unanimously support H. Res. 181.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 181, which condemns the Revolutionary Armed Forces of Colombia—known as FARC—for the kidnapping and brutal murder of three American citizens earlier this year.

These individuals—including Terence Freitas, whose mother lives in my congressional district—were in Colombia only to provide assistance to the indigenous U'wa people in the northeast part of the country.

Although the FARC has admitted that their guerillas abducted and killed the Americans, they have refused to cooperate with Colombian or United States authorities to resolve the case.

This important resolution condemns the senseless murders and demands that those responsible for this heinous crime are swiftly brought to justice.

As we condemn atrocities committed by the FARC, we must also condemn the numerous extrajudicial killings carried out by Colombian paramilitary forces. The cycle of violence that has consumed Colombia and claimed the lives of these three innocent Americans will end only when all sides agree to lay down their arms and work together to achieve a lasting peace.

I urge my colleagues to support the resolution.

Ms. LEE. Mr. Speaker, I rise this afternoon to speak about the disturbing situation in Colombia and the kidnapping and murder of three U.S. citizens, Terence Freitas, Ingrid Washinawatok and Lahe'ena'e Gay.

As a long-standing advocate for human rights and nonviolence, the conflict and violence in Colombia is incredibly alarming to me. Terence Freitas, an activist and student at the University of California-Berkeley, was a constituent of mine. Ingrid, Lahe'ena'e and Terence were traveling in Colombia as guests of the U'wa, a traditional indigenous community that is nonviolently fighting to protect their land from United States and Colombian petroleum developers.

Last week, along with other members of the House International Relations Committee, I had the opportunity to meet with Colombian President Pastrana. We learned a great deal about his new $7.5 billion plan for ''peace'', economic redevelopment, and counter-drug efforts. It is my understanding that the Clinton administration is expected to ask Congress to fund $1.5 billion of the plan, and that the administration's proposal may call for over half of the funds to support equipment and training for the Colombian police and military.

I am very concerned about this inititive. At more than $500 million annually, this would nearly double the amount that our Nation provided to Colombia's security forces in 1999.

Some of you may have seen the poignant letter of May 22 written by the mother of Terence Freitas to the editor of the Washington Post. In the letter, Ms. Freitas writes that she has ''watched in disbelief that some have used the murder of her son . . . and his two companions to justify an increase in military aid to Colombian armed forces.'' Ms. Freitas writes that she is distressed that the ideals that her son ''lived and died for—nonviolence, indigenous sovereignty and justice'' have been diminished by those who support militarization in Colombia.

I am a cosponsor of this resolution because I believe that those responsible for the murders of Terence, Lahe'ena'e, and Ingrid need to be arrested and brought to trial.

At the same time, as we speak out deploring their murders today on the House floor, I also believe that it is crucial to address our Nation's future policy toward Colombia. Any plan, with a focus on increased funding for training the Colombian police and military, is dangerously narrow and counterproductive.

In order to truly advance the peace process in Colombia and create stability for all communities in the country, we must attack the root causes for drug trade and violence of the FARC. This requires a more comprehensive policy approach to fund the elements of President Pastrana's plan that support economic development, human rights and an end corruption in the justice system in Colombia.

I challenge all of us to examine the proposal of the Colombia Government with this perspective. Ms. Freitas explains that Terence ''clearly understood that the U.S. military and training assistance to Colombia would bring more violence from all sides. She leaves us with the following message, which I would like to convey to all of my colleagues:

''If our Congressional Representatives hear any 'wake-up call' following the execution of my son, I urge it to be this: Remember your high standards of justice and peace by refusing to further U.S. military aid to Colombia. Doing the hard work of peace takes a lot more guts than empowering more men with guns.''

STATEMENT OF CONGRESSWOMAN SHEILA JACKSON-LEE CONDEMN COLOMBIAN KILLINGS

(H. RES .181)

OCTOBER 4, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 181. This resolution expresses the sense of the House of Representatives which condemns the murders of Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay.

On Feb. 25 of this year, three U.S. citizens—Ingrid Washinawatok, a member of the Menominee Indian Nation of Wisconsin, Terence Freitas of California, and Lahe'ena'e Gay of Hawaii—were kidnapped by the Revolutionary Armed Forces of Colombia (FARC), a terrorist and drug trafficking group fighting the government of Colombia. The three were involved in an effort to help the U'wa people of northeastern Colombia. The FARC brutally murdered the three Americans a week later.

The resolution strongly condemns the Revolutionary Armed Forces of Colombia (FARC); notes the FARC has a reprehensible history of committing atrocities against both Colombian and U.S. citizens; states that Congress will not tolerate violent acts against U.S. citizens abroad.

These American activists were involved in humanitarian efforts to assist the U'wa people of northeastern Colombia. Prior to their kidnapping, they spend 2 weeks on the U'wa reservation trying to assist in developing education program using traditional culture, language, and religion. The death of Ingrid Washinawatok marks the first time that a Native North American women died while performing human rights work among native people in South America.

FARC, a terrorist organization that has communist ties, has a history of committing atrocities against both Colombian and U.S. citizens. Established in 1966, it is the largest, best-trained, and best-equipped guerilla organization in Colombia. The goal of FARC is to overthrow the Colombian Government and its ruling class. Following the murders, FARC guaranteed that the perpetrators would be punished but refused to turn over the murderers to Colombian or United States officials.

H. Res. 181 strongly condemns the actions of FARC and calls for the government of Colombia to arrest and extradite those responsible for the deaths of the three individuals. Moreover, the bill urges the Federal Bureau of Investigation to use every available resource to see that those individuals responsible for the murders are brought to justice.

I urge my colleagues to support this resolution.

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

Mr. BEREUTER. Mr. Speaker, I strongly urge unanimous support for H. Res. 181.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 181.

The question was taken.

Mr. BEREUTER. 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.

EXPRESSING CONCERN OVER INTERFERENCE WITH POLITICAL FREEDOM IN PERU

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 57) expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru, as amended.

The Clerk read as follows:

H. RES. 57

Whereas interference with freedom of the press and the independence of judicial and electoral institutions in Peru contributes to an erosion of democracy and the rule of law in Peru;

Whereas freedom of the press in Peru is under assault, and the Department of State's Peru Country Report on Human Rights Practices for 1998, found that ''[t]he Government infringed on press freedom [. . . and] [j]ournalists faced increased harassment and intimidation'';

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997, found that ''[i]ncidents of harassment of media representatives increased to such an extent as to create the perception of an organized campaign of intimidation on the part of the Government, specifically, on the part of the armed forces and intelligence services'';

Whereas the Organization of American States' Special Rapporteur on Freedom of Expression has called on the Government of Peru to cease all official harassment of journalists and to investigate and prosecute all abuses of freedom of speech and of the press;

Whereas Freedom House now classifies Peru as the only country in the Western Hemisphere, other than Cuba, where the press is ''not free'';

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997 states that Channel 2 television station reporters in Peru ''revealed torture by Army Intelligence Service officers [and] the systematic wiretapping of journalists, government officials, and opposition politicians'';

Whereas on July 13, 1997, the Government of Peru revoked the Peruvian citizenship of the Israeli-born owner of the Channel 2 television station, Baruch Ivcher, effectively removing him from control of Channel 2, leading the Department of State to conclude that ''the Government's action in this case was widely interpreted as an attempt to prevent the station from broadcasting any more negative stories about the regime'';

Whereas the Government of Peru has issued an INTERPOL warrant for Baruch Ivcher's arrest and brought criminal proceedings against him, against members of his immediate family, and against his former associates to secure lengthy prison sentences against them;

Whereas the Inter–American Commission on Human Rights found human rights violations against Baruch Ivcher by the Government of Peru in this case and on March 31, 1999, submitted the case to the Inter–American Court of Human Rights;

Whereas persecution of journalists in Peru is so grave that several Peruvian journalists have sought political asylum in the United States;

Whereas actions related to efforts to authorize President Alberto Fujimori to seek a third term in office have raised questions about the independence of the National Election Board in Peru;

Whereas the independence of Peru's judiciary has been brought into question since the dismissal of 3 Constitutional Tribunal magistrates on May 29, 1997, and by continuing control of judicial matters by the executive branch; and

Whereas the Inter-American Commission on Human Rights has called on the Government of Peru to reinstate the 3 dismissed magistrates, enabling the Constitutional Tribunal to rule on constitutional issues, to fully restore the National Council of the Judiciary's power to nominate and dismiss judges and prosecutors, and to cease the recurring practice of overruling, transferring, or removing judges whose decisions did not coincide with the views of the Government of Peru: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the erosion of the independence of judicial and electoral branches of the Government of Peru, the interference with freedom of the press, and the blatant intimidation of journalists in Peru constitute a threat to democracy in that country and are matters for concern by the United States as a member of the Inter-American community;

(2) the United States Government and other members of the Inter–American community should review the forthcoming report of an independent investigation conducted recently by the Inter–American Commission on Human Rights of the Organization of American States on the condition of and threats to democracy, freedom of the press, and judicial independence in Peru; and

(3) representatives of the United States in Peru and to international organizations, including the Organization of American States, the World Bank, the Inter–American Development Bank, and the International Monetary Fund, should make clear the concern of the United States concerning threats to democracy and violations of the rule of law in Peru.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. BEREUTER. Mr. Speaker, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations joined in introducing this resolution to underscore Congress' concern about the harassment of journalists and over signs that the independence of Peru's judiciary is being substantially undermined.

The Committee to Protect Journalists, CPJ, has documented ''attacks that confirm our suspicion of a coordinated government campaign to discredit and undermine the independent media in Peru.''

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. These acts of intimidation were precipitated by Channel 2's exposés of abuses, including alleged torture and murder, by Peru's intelligence service.

The Committee to Protect Journalists asserts that the government of Peru ''has continued to hound Mr. Ivcher, initiating legal action against him, harassing his family, and mounting an orchestrated misinformation campaign to discredit him.''

Mr. Speaker, just today, a small opposition newspaper, ''Referendum,'' stopped publishing amid allegations that the government of Peru applied pressure to force the newspaper out of business. Several members of this newspaper's editorial board used to work for Channel 2.

This resolution will put the House of Representatives on record expressing bipartisan concern over the erosion of the independence of the judicial and electoral branches of Peru's government and the intimidation of journalists in Peru. These concerns have also been heightened by Peru's effective withdrawal from the Inter-American Court of Human Rights.

Mr. Speaker, I urge my colleagues to support H. Res. 57.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Nebraska (Mr. BEREUTER) in strongly supporting this resolution. It basically details two matters of significant concern as far as the history of democracy in Peru as well as that part of the world.

The first, as the gentleman from Nebraska has alluded to, is the disregard by President Fujimori for the independence of the judiciary and the failure to recognize some separation of powers in terms of upholding the constitutional prohibition against three terms of consecutive service by the President. The second is a clear case of abuse with respect to the freedom of the press which I agree should be seriously investigated by outside credible authorities. These are but two examples of threats to democracy in a country that is in a position to be a partner and an agent in cooperation with the United States in Latin America. But actions like this really threaten that relationship. And so it is important that we pass this resolution to send an appropriate message to Peru that they need to reverse these actions and get back to a more proper course toward democracy.

Mr. GILMAN. Mr. Speaker, Representative Lee Hamilton and I initially introduced this resolution in the 105th Congress to express our concern over intererence with freedom of the press and the independence of judicial and electoral institutions in Peru. I am pleased that the Ranking Minority Member of our International Relations Committee, the gentleman from Connecticut, Mr. GEJDENSON joined me in reintroducing this resolution.

The Committee to Protect Journalists, which has repeatedly expressed concern to the Peruvian government for the safety of journalists covering the military and the National Intelligence Service, wrote to me earlier this year to strongly urge that I reintroduce this resolution. The Committee to protect Journalists informed me ''Not only have we failed to receive an official response to any of our protest letters, but we continue to document attacks that confirm our suspicion of a coordinated government campaign to discredit and undermine the independent media in Peru.''

I have been one of Peru's strongest supporters in Congress. There is no question that Peru has made it back from the brink of the abyss. Not so many years ago, Peru was a terrorized nation.

Peru has become a good partner in our war against drugs. The drop of coca prices in Peru to historically low levels provided a real opportunity to help farmers grow legitimate crops. I was pleased to encourage our European allies to join us in seizing this opportunity to promote meaningful alternative development in Peru.

Nonetheless, I continue to be alarmed with regard to the harassment of journalists and signs that the independence of Peru's judiciary is being substantially undermined.

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. These acts of intimidation were precipitated by Channel 2's exposés of abuses—including alleged torture and murder—by Peru's intelligence service.

The Government of Peru, which revoked Mr. Ivcher's Peruvian citizenship, issued him a new Peruvian passport. Nonetheless, the government of Peru has continued to pursue highly questionable legal proceedings against Mr. Ivcher and his family and against former associates. Recently, the former general manager of Channel 2, was sentenced to four years in prison. The Committee to Protect Journalists asserts that the government of Peru ''. . . has continued to hound Mr. Ivcher—initiating legal action against him, harassing his family, and mounting an orchestrated misinformation campaign to discredit him.''

Just today, a small opposition newspaper, Referendum, stopped publishing amid allegations that the government of Peru applied pressure to force the newspaper out of business. Several members of this newspaper's editorial board used to work for Channel 2.

This resolution will put the House of Representatives on record expressing bipartisan concern over the erosion of the independence of judicial and electoral branches of Peru's government and the intimidation of journalists in Peru. These concerns have only been heightened by Peru's effective withdrawal from the Inter-American Court of Human Rights. These are matters of concern to United States and all nations of the Hemisphere.

Peru's good efforts in our shared fight against drugs deserve our recognition and strong support. However, the United States should not turn a blind eye to interference with freedom of the press and the independence of judicial and electoral institutions of Peru.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Res. 57, expressing the sense of Congress that the erosion of the independence of the judicial and electoral branches of the government of Peru, along with the intimidation of journalists within the country, are major concerns of the United States. I also support the United States pursuit of an independent investigation and report by the Inter-American Commission on Human Rights of the Organization of American States on threats to freedom and judicial independence in Peru.

The Constitution in Peru provides for freedom of speech and of the press. It provides for a judicial system free from the executive branch. Today, human rights reporting have provided an assessment of Peru that is causing concern. For although, the Constitution of Peru provides for these fundamental rights and privileges, recent actions are demonstrating the Government of Peru is limiting these rights.

The press in Peru represents a wide spectrum of opinion, ranging from left-leaning opposition views to those favoring the Government. In the greater Lima area alone, there are 16 daily newspapers, 7 television stations, 68 radio stations, and 2 commercial cable systems. The Government owns one daily newspaper, one television network, and two radio stations, none of which is particularly influential. However, in order to avoid provoking government retribution, the Peruvian press practices a degree of self-censorship.

Government accusations of treason against investigative journalists, the ordeal of Baruch Ivher who lost control of his television station, harassment of media representatives increased to such a degree that it appears to be an organized campaign of intimidation on the part of the Government, are areas of concern for democratic institutions. A full report, by an independent counsel, is justified to understand the extent of the problem.

The Constitution provides also for an independent judiciary; however, documents allege in practice the judicial system is inefficient, often corrupt, and easily manipulated by the executive branch. As a result, public confidence in the judiciary is low.

There is a three-tier court structure: lower courts, superior courts, and the Supreme Court. A Constitutional Tribunal rules on the constitutionality of congressional legislation and government actions; a National judiciary Council tests, nominates, confirms, evaluates, and disciplines judges and prosecutors; and a Judicial Academy trains judges and prosecutors. The Government moved to limit the independence of the Constitutional Tribunal almost from its inception in 1995 and continued such efforts in subsequent years. By year's end, the Peruvian Congress still had not taken any steps to replace the three judges ousted from the Constitutional Tribunal after they voted against the interpretation allowing President Fujimori a third term. An action that seems to be punitive just due to its subject matter. This effectively paralyzed the Court's ability to rule on any constitutional issues for lack of a quorum.

The Peruvian Government cites its efforts to revamp its judicial system. It is commendable that administrative and technical progress is occurring in the area of caseload reduction and computerization but little has been done to restore the judiciary's independence from the executive. Of the country's 1,531 judges, less than half, only 574 have permanent appointments, having been independently selected. The remaining 957, including 19 of the 33 judges of the Supreme Court, have provisional or temporary status only. Critics charge that, since these judges lack tenure, they are much more susceptible to outside pressures, further crippling the judicial process.

Increased economic and social stability has resulted in a substantial increase in U.S. investment and tourism in Peru in recent years. In 1997, approximately 140,000 U.S. citizens visited Peru for business, tourism and study. About 10,000 Americans reside in Peru and over 200 U.S. companies are represented in the country. U.S. relations improved with Peru after the 1992 auto-coup when the country undertook steps to restore democratic institutions and to address human rights problems related to counter-terrorism efforts.

I urge my colleagues to support with me this effort designed to continue U.S. promotion of the strengthening of democratic institutions and human rights safeguards in Peru.

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

Mr. BEREUTER. Mr. Speaker, I urge strong support of H. Res. 57.

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 Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 57, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Resolution expressing concern over erosion of democracy and the rule of law in Peru, including interference with freedom of the press and independence of judicial and electoral institutions.''.

A motion to reconsider was laid on the table.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission, as amended.

The Clerk read as follows:

H.R. 1451

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 ''Abraham Lincoln Bicentennial Commission Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for his life is a model for accomplishing the ''American Dream'' through honesty, integrity, loyalty, and a lifetime of education.

(7) The Year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to the Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (in this Act referred to as the ''Commission'').

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether they are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of his birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of the Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to the Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) 3 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) 2 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) 2 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) 2 members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) 2 members, each of whom shall be Members of the House of Representatives from the State of Illinois, appointed by the Speaker of the House of Representatives.

(6) 1 member, who shall be a Senator from the State of Illinois, appointed by the Majority Leader of the Senate.

(7) 1 member, who shall be a Senator, appointed by the Majority Leader of the Senate.

(8) 1 member, who shall be a Member of the House of Representatives, appointed by the Minority Leader of the House of Representatives.

(9) 1 member, who shall be a Senator, appointed by the Minority Leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIRPERSON.—The Chairperson shall be designated by the President from among the members of the Commission appointed under section 5(a)(1). The term of office of the Chairperson shall be for the life of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chairperson. Periodically, the Commission shall hold its meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and any additional personnel as the Commission considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to the Congress interim reports as the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information the Commission considers appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate 120 days after submitting its final report pursuant to section 8.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(A) and (C))) under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1451.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1451, the Abraham Lincoln Bicentennial Commission Act, sponsored by the gentleman from Illinois (Mr. LAHOOD).

H.R. 1451 authorizes a 15-member commission to begin national planning for the celebration of the 200th anniversary of the birth of our Nation's 16th President, Abraham Lincoln. This commission would be authorized for 4 years and is charged with developing and reporting to Congress recommendations on activities that appropriately honor this great man and his accomplishments.

Let me borrow from a line from Lincoln's Gettysburg Address and say that it is altogether fitting and proper that we should do this. It goes without saying that Abraham Lincoln was one of

our greatest, if not the greatest, Presidents of the United States. Lincoln led our country through its most challenging time, the Civil War. He was a man who sought to unite rather than to divide, urging a nation battered by war to ''bind up its wounds.'' Perhaps most importantly, he was a man who stood on principle and believed in the greatness of this Nation and its people.

Abraham Lincoln's every word and action were based on the founding principle of our Nation, that all are created equal, and none can be denied their natural rights by government or unjust laws. This principle, which forms the basis for our Declaration of Independence and the moral foundation for our Constitution, lives on today and continues to serve this country well.

Mr. Speaker, Abraham Lincoln described the nobility of our experimental form of government more eloquently than any other national leader. He did so in a matter of moments on the battlefield at Gettysburg.

The Gettysburg Address was a reaffirmation of the principle that no person can rightfully governor others without their consent. It was also a testimony to the greatness of our form of government and to the American people.

Through his famous debates with Stephen Douglas, Lincoln reminded the citizens of my home State of Illinois, as well as those residing in other parts of the country, that there are limits to any form of government, even the democratic principle of majority rule.

Lincoln opposed the doctrine of what was then called ''popular sovereignty.'' In contrast to Douglas, Lincoln recognized that a too narrow interpretation of the doctrine of majority rule could lead to the misguided conclusion if one man would enslave another, no third person should intervene.

Lincoln also recognized that a house divided against itself cannot stand. He stood tall, fighting for what provided the American people a new birth of freedom.

Just before an assassin ended his life, Lincoln outlined the approach to Reconstruction that would proceed, ''With malice toward none, with charity toward all.'' His spirit defines the best of the American experiment and appeals to the better angels of our nature.

As we approach the new millennium, it is entirely fitting that Congress adopt this commission bill now. The principles that our declaration established and that Lincoln led us to sustain are truly timeless. Congress authorized a similar commission nearly 100 years ago. It was the recommendations of that commission that created the Lincoln Memorial which stands so prominently today in our Nation's Capital.

□ 1545

This same commission also approved the placing of Lincoln's image on a stamp and made the day of Lincoln's birth a national holiday.

H.R. 1451 carries the spirit of this commission. The commission called for on this bill will provide recommendations that will help this body recognize Lincoln's birth as well as the greatness of the man well into the next millennium.

Let me add that the manager's amendment we are considering today amends the bill that was unanimously approved by the Committee on Government Reform. It authorizes four additional members of the commission, adding two each from Kentucky and Indiana. Given that Abraham Lincoln was born in Harding County, Kentucky, on February 12, 1809, and spent formative years in Indiana, this is an appropriate change, and I urge its adoption.

This manager's amendment has also been modified to address concerns about the authority to accept gifts, bequests, and donations that have been included in the bill marked up by the Committee on Government Reform. The Committee on Ways and Means expressed concerns about that provision, and we have deleted such authority since it is not necessary to the commission's authority to make recommendations for further action.

I am proud to offer this legislation, and I am proud that the gentleman from Illinois (Mr. LAHOOD) gave me the chance to manage this bill and to be a cosponsor of the bill, and I encourage the support of all Members.

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

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

I, too, want to take a moment to thank the gentleman from Illinois (Mr. LAHOOD) for sponsoring this very important legislation. I think it is very important that we take time to recognize those people who came upon this Earth, saw it, saw the problems with it and tried to change it to make it better; and so I thank him, and I want to thank our ranking member of our committee and the gentlewoman from Illinois (Mrs. BIGGERT), the entire Illinois delegation, and certainly the chairman of the committee and the chairman of the subcommittee.

Mr. Speaker, the legislation before us today establishes a bicentennial commission to celebrate the life and accomplishments of this Nation's 16th President, Abraham Lincoln. In many respects Abraham Lincoln was an ordinary man who throughout his life did many extraordinary things.

Mr. Lincoln was poor and struggled to educate himself. He encountered numerous business setbacks and challenges. A captain in the Black Hawk War, Lincoln practiced law and spent 8 years in the Illinois legislature. In 1836, Lincoln was elected to Congress and served two terms. Lincoln took 5 years off from politics to focus on his law practice. When he returned to the political arena in 1854, he took an unpopular stance. He opposed the Kansas Nebraska Act which threatened to extend slavery to other States.

Lincoln was elected President in 1860 when the United States was no longer united. Believing that cession was illegal, he was prepared to use force to defend the Union and did so. The Civil War began in 1861 and would last 4 years, costing the lives of over 500,000 Americans.

On November 16, 1863, in the midst of the war on a battlefield near Gettysburg, Pennsylvania, President Lincoln presented to the people his vision for our Nation, conceived in liberty where everyone is created equal. This speech known as the Gettysburg address shaped the destiny of the United States of America, that government of the people and by the people should be for all people regardless of race, or color, or gender. For this, Mr. Speaker, Mr. Lincoln lost his life in the balcony of the Ford's Theatre in 1865 right here in Washington, D.C.

The bicentennial commission will recommend to Congress what activities and actions should be taken to celebrate the life of this great man. The commission's recommendations to this body should reflect how a man of humble roots rose to the Presidency of the United States and the diversity and uniqueness of this great Nation. It should send a message to all of our young people that they can, too, start in humble beginnings; but it will not matter where they were born or who they were born to, it is what they do with the life that they have been given.

Again, I commend the gentleman from Illinois (Mr. LAHOOD) and the gentlewoman from Illinois (Mrs. BIGGERT) for working with me and the Democratic Illinois delegation to formulate bipartisan language that would expand the membership of the commission to allow the House minority leader and the Senate minority leader to each appoint one Member of Congress to the commission. That is so important because I think that is the way Lincoln would have wanted it. The commission's bipartisan membership will further honor the memory and works of Abraham Lincoln.

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

Mrs. BIGGERT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD), my friend and colleague and sponsor of this important legislation.

Mr. LAHOOD. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT) for yielding this time to me, and I also thank the gentleman from Maryland (Mr. CUMMINGS) for his remarks that he made in the committee which were very eloquent last week about President Lincoln.

Mr. Speaker, I am here today to celebrate the life and legacy of President Abraham Lincoln by asking for my colleagues' support for H.R. 1451, the Abraham Lincoln Bicentennial Commission Act of 1999. The bill will establish a commission, the purpose of

which would be to make recommendations to Congress for a national program to honor President Abraham Lincoln in the year 2009, the bicentennial celebration of his birth. For decades historians have acknowledged him as one of our country's greatest Presidents. As our 16th President, Lincoln served the country during a most precarious era. While most of the country looked to divide, President Lincoln fought for unity and eventually saved the Union.

With the belief that all men are created equal, President Lincoln led the charge to free all slaves in America. Without the determination and wisdom of President Lincoln, our country, as we know it, may not exist today.

President Lincoln also serves as a national symbol of the American dream. Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States of America. In 1909, America celebrated the centennial of President Lincoln's birth in a manner deserving of the accomplishments. Congress approved placing the image of President Lincoln on a first-class stamp for the first time, made President Lincoln's birth a national holiday, and passed legislation leading to the construction of the Lincoln Memorial here in Washington, D.C.

Further, President Theodore Roosevelt approved placing the image of President Lincoln on the penny.

As in 1909, the Congress again should honor President Lincoln in 2009 by establishing the Abraham Lincoln Bicentennial Commission. Through this commission, Congress will be able to demonstrate its appreciation for Abraham Lincoln's accomplishments and ultimate sacrifice for our country.

This commission will identify and recommend to Congress appropriate actions to carry out this mission and through the recommendations of this commission and subsequent acts of Congress, the American people will benefit by learning about the life of President Lincoln, and as an Illinoisan, I am proud of the fact that President Lincoln considered Illinois his home for virtually all of his adult life.

In 1837 Lincoln moved to Springfield, Illinois, which is an area that I represent along with the gentleman from Illinois (Mr. SHIMKUS) where he established a law office and quickly earned a reputation as an outstanding trial lawyer. He served in the State legislature from 1834 to 1842 and was elected to this House of Representatives in 1846 as a member of the Whig party, and 9 of the 14 counties that I currently represent were once represented by Abraham Lincoln.

Lincoln joined the Republican party in 1856 and ran for the U.S. Senate from Illinois against Stephen Douglas in 1858. As a candidate for that office, Lincoln rose from relative obscurity to become a nationally known political figure.

Throughout the campaign, Lincoln stated that the U.S. could not survive as half slave and half free States. In a famous campaign speech on June 17, Lincoln declared, I quote, ''a House divided against itself cannot stand,'' end quote. Additionally, the famous Lincoln–Douglas debates drew the attention of the entire Nation. Although Lincoln ultimately lost that campaign, he returned only 2 years later to run for the Presidency. Lincoln was elected the 16th President on November 6, 1860, defeating the previous Senate opponent, Stephen A. Douglas. In one of the most famous acts President Lincoln enacted, the emancipation proclamation went into effect on January 1, 1863.

After discussing this issue with Representative RON LEWIS of Kentucky, we both agree that the commission should strongly consider Hodgenville, Kentucky, the birthplace of Abraham Lincoln, as the site for its inaugural meeting.

Abraham Lincoln is remembered for his vital role as the leader in preserving the Union and beginning the process that led to the end of slavery in the United States. He also is remembered for his character, his speeches, his letters, and a man of humble origin whose determination and preservation led him to the Nation's highest office.

I would like to acknowledge the assistance of the, as I mentioned earlier, to the gentleman from Maryland (Mr. CUMMINGS), to the gentlewoman from Illinois (Mrs. BIGGERT), also Chuck Schierer and Peter Kovlar, who originally brought this idea of a Lincoln commission to me, and their research was invaluable to this important project.

I ask all colleagues to join me in honoring the memory of President Abraham Lincoln by supporting the Abraham Lincoln Bicentennial Commission Act of 1999.

Mr. CUMMINGS. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to support the Abraham Lincoln Bicentennial Commission Act. Abraham Lincoln is rightly considered one of America's greatest Presidents. He occupied the White House through 4 of our country's darkest years and was faced with the prospect of uniting our country torn asunder by civil war. Through his leadership and perseverance, Mr. Speaker, our country and system of government was preserved.

While it is impossible to overlook his contributions to America from the White House, there is much more to the story of Abraham Lincoln that endears in the hearts and minds of his countrymen. Lincoln was born to humble roots in Hodgenville, Kentucky, located within my district. He was largely self-educated, yet became one of our country's greatest statesmen with his eloquent use of the English language. He clung to the highest ethical standards throughout his political career, earning the nickname Honest Abe. He was fiercely devoted to his family, and he put the interests of his country above his own, which ultimately led to his assassination. He was born into obscurity but earned the gratitude and love of his countrymen.

Lincoln's story is one of America, and it serves as an inspiration to all of us. It is a story all posterity needs to learn, and it is incumbent on the Federal Government to use all available resources to preserve his legacy.

To borrow a quote from one of his most famous addresses, ''It is altogether fitting and proper that we should do this.''

I urge my colleagues to support the Abraham Lincoln Bicentennial Commission Act. As Edwin Stanton said upon the President's death, ''Now he belongs to the ages.'' We have an opportunity today to make sure President Lincoln remains a man for the ages by passing this legislation.

Mr. Speaker, it is my hope that this commission will be able to conduct one of its meetings in Hodgenville, Kentucky, the birthplace of Abraham Lincoln.

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

Mr. Speaker, finally, I think that, as my colleagues know, when we think about the life of Abraham Lincoln, his words of the Gettysburg Address were just so profound; and I just repeat them, just a part of them, at this moment, for I think they still live in our hearts, and he simply said, and this is important, he said, ''It is for the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the Earth.''

With that, Mr. Speaker, I urge all of our colleagues to support this legislation.

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

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

H.R. 1451 provides a means to begin this national period of reflection and recognition. I thank my colleagues for their eloquent and elegant words on behalf of Abraham Lincoln. I appreciated working with the gentleman from Illinois (Mr. LAHOOD), with the gentleman from Maryland (Mr. CUMMINGS) from the minority, and my colleagues from Kentucky and Indiana to strengthen this legislation.

□ 1600

I am proud to have brought this legislation to the floor, and I ask for the full support of all Members.

Mr. SOUDER. Mr. Speaker, Abraham Lincoln spent his formative years in Indiana, and as a Hoosier I would like to rise in strong support of this bill providing for commemoration of the bicentennial of his birth.

I would like to begin by thanking the bill's sponsor, the gentleman from Illinois, Mr. LAHOOD, and the gentlelady from Illinois, Mrs. BIGGERT for their willingness to work with me to include representation from the states of Indiana and Kentucky on the Commission to be formed by this bill. Both states played significant roles in the life and development of Abraham Lincoln, and I very much appreciate their recognition of this history and openness to including citizen members from each of these states on the Commission.

The commission will celebrate the bicentennial of President Lincoln's birth in 1809, which took place in Hodgenville, Kentucky. At the age of 7, young Abe Lincoln moved to Southern Indiana, and the family moved to Illinois in 1830. As the National Park Service points out at the Lincoln Boyhood National Memorial, he spent fourteen of the most formative years of his life and grew from youth to manhood in the State of Indiana. His mother, Nancy Hanks Lincoln, is buried at the site. And even today, what is probably the largest private Lincoln Museum in America is in Fort Wayne, Indiana, in my district.

Thomas Lincoln moved the family to an 80 acre farm in Perry County, Indiana after the crops had failed in Kentucky due to unusually cold weather. He bought the land at what even then was the bargain price of three dollars an acre. Just days before, Indiana had become the 19th state in the union. The land was still wild and untamed. President Lincoln later recalled that he had ''never passed through a harder experience'' than traveling through the woods and brush between the ferry landing on the Ohio river and his Indiana homesite. This observation speaks volumes about the nature of the Hoosier frontier.

The family quickly settled into the log cabin with which we are all so familiar from our earliest history lessons. Tom Lincoln worked as a cask maker. Abe Lincoln worked hard during the days clearing the land, working with the crops, and reading over and over from his three books: the Bible, Dilworth's Speller, and Aesop's Fables. He also wrote poems. Shortly after the death of Nancy Hanks Lincoln, young Abe attended a new one room schoolhouse. When his father remarried, his new stepmother Sally Bush Johnston brought four new books, including an elocution book. W. Fred Conway pointed out in his book ''Young Abe Lincoln: His Teenage Years in Indiana'' that the future president after reading the book occasionally ''would disappear into the woods, mount a stump, and practice making speeches to the other children.''

Abraham Lincoln also received his first exposure to politics and the issues that would later dominate his presidency while in Indiana. One of his first jobs was at a general store and meat market, which was owned by William Jones, whose father owned slaves in violation of the Indiana State Constitution. This was Lincoln's first introduction to slavery. In addition, he exchanged news and stories with customers and passersby, with the store eventually becoming a center of the community due largely to Young Abe's popularity. Once he was asked what he expected to make of himself, and replied that he would ''be President of the United States.''

Mr. Speaker, Indiana takes pride in its contributions to the life of President Lincoln, and we greatly look forward to the work of the Commission in honoring him and reminding Americans of his legacy. I urge my colleagues to support this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 1451, the Abraham Lincoln Bicentennial Commission Act. On behalf of my constituents in the 9th Congressional District of Illinois. I am a proud cosponsor of H.R. 1451, legislation which seeks to further honor the life of a most honorable individual, the sixteenth President of the United States and an American Hero, Abraham Lincoln.

H.R. 1451, would establish a commission to study and recommend to Congress ways to celebrate the 200th anniversary of President Lincoln's birth. The bicentennial of President Lincoln's birth will be February 12, 2009. Although 2009 is a long way off, planning a celebration of the life, achievements and contributions made by President Lincoln to the United States is a task that deserves adequate time and resources.

The values taught by Abraham Lincoln's leadership are celebrated today at the Lincoln Memorial in Washington, DC. Coming from the State of Illinois, which is also known as the ''Land of Lincoln,'' I was particularly moved when shortly after being sworn into service in Congress, I visited the Lincoln Memorial. I look forward to the Memorial's rededication in 2009.

Authorizing further commemorations of his life and the issuance of a memorial stamp and minting of a bicentennial coin, and other activities are appropriate ways to celebrate the life of this shining example of American value.

President Lincoln lost his life at the early age of 56, when he was shot and killed by an assassin. Although President Lincoln's life was taken at a young age, the values and lessons he taught through his policies and his eternal words of wisdom will remain with us forever.

I look forward to reviewing the recommendations of the Abraham Lincoln Bicentennial Commission and to celebrating with the people of Illinois and the entire nation the bicentennial of his birth in 2009. I urge all members to vote in support of H.R. 1451.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 1451, as amended.

The question was taken.

Mr. LAHOOD. 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.

EXPRESSING THE SENSE OF CONGRESS REGARDING BROOKLYN MUSEUM OF ART EXHIBIT FEATURING WORKS OF A SACRILEGIOUS NATURE

Mr. DEMINT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it cancels its upcoming exhibit feature works of a sacrilegious nature, as amended.

The Clerk read as follows:

H. CON. RES. 191

Whereas on October 2, 1999, the Brooklyn Museum of Art opened an exhibit entitled ''Sensation: Young British Artists from the Saatchi Collection'';

Whereas this art exhibit features a desecrated image of the Virgin Mary;

Whereas the venerable John Cardinal O'Connor considers the exhibit an attack on the Catholic faith, and is an affront to more than a billion Catholics worldwide;

Whereas the exhibit includes works which are grotesque, immoral, and sacrilegious, such as one that glorifies criminal behavior with a portrait of a convicted child murderer fashioned from small hand prints;

Whereas the Brooklyn Museum of Art's advertisement acknowledges that the exhibit ''may cause shock, vomiting, confusion, panic, euphoria, and anxiety'';

Whereas the Brooklyn Museum of Art refuses to close the exhibit, despite strong public opposition to the show from religious leaders, government officials, and the general population;

Whereas the American taxpayer, through the National Endowment for the Arts and the National Endowment for the Humanities, provides funding to the Brooklyn Museum of Art; and

Whereas the American taxpayer should not be required to subsidize art that desecrates religion and religious beliefs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring works of a sacrilegious nature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. DEMINT) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. DEMINT).

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

Mr. Speaker, I am grateful to have this opportunity to bring House Concurrent Resolution 191 to the floor. This resolution was submitted by my distinguished colleague, the gentleman from New York (Mr. SWEENEY).

Mr. Speaker, this past weekend, the Brooklyn Museum of Art opened a controversial new art exhibit, despite strong objections from civic and religious leaders. As many know, the exhibit includes a desecrated portrait of the Virgin Mary, decaying animals, and a depiction of a child molester.

These are just a few of the offensive items in an exhibit recognized and celebrated for its shock value, an ''over the edge'' flaunting of decay, defamation, and death.

It is a show intended to ''cause shock, vomiting, confusion, panic, euphoria, and anxiety,'' and those are the words of the Brooklyn Museum.

Mr. Speaker, beauty may be in the eye of the beholder, but I believe most American taxpayers do not have the stomach to support the display of this type of exhibit. No matter what we think of this exhibit, we can all agree that the American taxpayers should not be forced to subsidize any exhibit that denigrates the beliefs and values that they hold most dear.

Ten years ago, after the NEA funded Andres Serrano's defilement of the crucifix, Congress directed the chair of the National Endowment of the Arts to take into account ''general standards of decency and respect'' in awarding Federal grant money to artists. Many artists protested that this was a violation of free speech rights.

In June of 1998, however, the Supreme Court upheld the constitutionality of the decency clause. It was upheld because the court recognized that the right of free expression does not include the right to force others to pay for your expression.

Mr. Speaker, the Brooklyn Museum is a great institution celebrating and displaying great works of art for over 176 years. It has been a gift to our children, encouraging them to explore the depths of their own creativity and imagination. If there was ever a time when we needed to encourage our children to honor beauty, it is now. If there was ever a time to teach our children about great works of art, of great painters, sculptures, and designers, it is now. But the Brooklyn Museum's current exhibit is so extreme that children are not allowed to view it unless they are accompanied by a parent.

It seems to me that our public art institutions should be a safe haven for our children, a place that honors the highest standards of beauty, not the lowest common denominator of human depravity.

Hard working Americans help support the Brooklyn Museum of Art through the National Endowment of the Arts, the National Endowment of the Humanities, and the Institute of Museum and Library Services. In the past 3 years, taxpayers have paid over $1 million to help fund the Brooklyn Museum.

In a time when our communities are desperate for more art classes, local art museums, and children's workshops, the Brooklyn Museum exhibit seems inconsistent with our priorities to foster a greater appreciation of the arts. This debate is about whether or not taxpayers should subsidize the housing and promotion of objectionable exhibits. American taxpayers have paid for the brick and mortar of the Brooklyn Museum, a museum that should reflect the best of the American people.

This exhibit, sponsored and hosted by the museum, clearly does not reflect the values we hold dear. This resolution will protect American taxpayers from funding the Brooklyn Museum showcase of a denigrating exhibit.

Mr. Speaker, I urge the adoption of this important resolution.

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

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

Mr. Speaker, I rise in opposition to H. Con. Res. 191, which expresses the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it cancels its recently opened exhibit entitled ''Sensation.''

First and foremost, I would like to express my utter disbelief that we are wasting valuable floor time on this resolution as the first session of the 106th Congress draws to a close, and we have not yet considered important issues such as healthcare reform, increasing the minimum wage, and preserving Social Security.

Moreover, Mr. Speaker, we are 4 days into fiscal year 2000, with 11 of the 13 annual appropriations bills still not enacted. If the Republicans cause the Federal Government to shutdown in 2 weeks, the Brooklyn Museum of Art will not get any Federal funding anyway. But aside from the Republican leadership's complete disregard for effective time management, I am greatly concerned that this resolution condones and encourages censorship and sends a message that it is acceptable for city officials to make funding decisions based on their individual likes and dislikes.

Hitler's dislike of avant-garde artists of his time, Picasso and Matisse, led to the banishment of their works from Germany for 8 long years.

Mr. Speaker, the Supreme Court has ruled on a number of occasions that the government cannot penalize individual artists because their work is disagreeable. We know that this resolution is really about the Republican leadership's continued attack on all Federal funding of the arts.

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

Mr. DEMINT. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for yielding me time, my good friend and class president.

Mr. Speaker, let me start and say I introduced this resolution at an important time in our Nation's history. We have, as we all know, violence pervasive throughout all sorts of elements in our society. We are in a period of great moral turmoil in many respects.

Those who argue against the proposition that I propose today say that this is censorship, and they liken it to what Hitler did in Nazi Germany. We say that is nonsense. It is nonsense because we are talking about some fundamental questions centering around the role of the Federal Government in funding of works of art, or so-called works of art, that attack real core beliefs of the American people, many Americans, and beliefs that we hold near and dear to our hearts.

The questions I asked in this resolution are simple: Should the American taxpayer be required to send their hard-earned tax dollars to a museum, or other institution, that exhibits works of art, the likes of which feature a portrait of the Virgin Mary desecrated with elephant dung? Should taxpayers' dollars be used to glorify a convicted child murderer? Should Americans that work 40, 50, 60 hours a week, be forced to turn over a portion of their paychecks so that individuals can express themselves in a manner that so offends so many?

Mr. Speaker, the resolution that I introduce today answers a resounding ''no'' to those questions.

Just this past Saturday, the Brooklyn Museum of Art opened that art show featuring the aforementioned exhibits; and, as a result, the museum has come under fire from many sources, many individuals, who share, as I do, the belief that this is just wrong.

The venerable Cardinal O'Connor of New York City called the Exhibit ''an attack on religion itself, and, in a special way, on the Catholic church.''

Coinciding with the exhibit's opening, hundreds of people, with no other vehicle to express their frustration, took to the steps of the museum to say that public funding of such exhibits that promote hate, bigotry, and Catholic bashing is wrong. I wholeheartedly agree with them. That is why we have gone forward with this resolution.

Since 1997, the Brooklyn Museum of Art has received nearly $1 million through the National Endowment of the Arts and the National/Endowment for Humanities. When taxpayers decide to support the arts, I doubt these are the kinds of exhibits they have in mind.

Our resolution gives a voice to millions of Americans who are disgusted because they are being forced to fund this offensive exhibit. Furthermore, I believe that most of my constituents would join me in saying that this exhibit goes too far and is devoid of culturally redeeming value, by any standard.

Mr. Speaker, as I said, the proposition before us is quite simple. However, there is a vocal minority that wants to confuse the debate by suggesting our resolution is an attack on the First Amendment.

The ''Sensation'' exhibit, as it is titled, does not belong in a publicly supported institution. That is the simple premise at work here. This is not to say it does not belong anywhere. If there is an audience for this type of exhibit, and I would suspect there is a substantial audience in some quarters for this, let them find a private outlet for which to express that sense.

While these so-called artists have a right to create their art and galleries have a right to display it, the First Amendment does not guarantee that the American people must subsidize it.

In the words of David A. Strauss, a specialist in constitutional law at the University of Chicago, ''it is clear the government is entitled to make some decisions on what it will fund and what it will not fund.''

Not only are we entitled to do so, my constituents demand that I do so here today.

I agree with Jonathan Yardley in today's edition of the Washington Post when he writes, ''the museum has a right to present such works as it cares to, but has a weighty responsibility, the handmaiden of public funding, to exercise that right with sobriety and care. The support of taxpayers is not license to thumb one's nose at taxpayers. The religious and moral sensibilities of ordinary people are not frivolous; they deserve, and should command, the respect and consideration of those who slop at the public trough.''

Mr. Speaker, we know that Congress is not a body of art critics. However, ''Sensation'' is clearly an example of going too far. It does not take a Ph.D. in art history to know that a portrait of the Virgin Mary being desecrated upon is offensive to Catholics.

Mr. Speaker, our Federal tax dollars should not be spent on images that glorify sacrilegious, immoral, and criminal behavior. They should be used to defend, not offend. Further, if we subsidize the expression of art, let that expression carry a message of education, not desecration.

Last week, the Senate adopted a similar measure overwhelmingly, and I urge my colleagues in this body to follow the Senate's lead. Tell your constituents you will account for their tax dollars.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Mr. Speaker, I hope this issue does not come down to Republicans and Democrats, even though normally on things like that, that is the way the votes go.

I just cannot believe that people can make a decision on what should be funded as art when they have never even seen what they are talking about. I just do not believe, just because it was a foreigner that did it and thought he was doing something correctly, that we would be so upset that we would attack an entire museum, with all of its exhibits in it, just because inadvertently someone was upset.

□ 1615

Now, I was raised as an altar boy, and I am familiar with the Blessed Trinity, and the fact that Jesus was born of Mary and Joseph. While there was the immaculate conception, there were still pictures of the Virgin Mary, and of course, Jesus, in every church and cathedral that I have had a chance to attend.

Now, from what I have seen on television, this was an abstract drawing of an overweight African-type cartoon that, with all of my catechism and training, it never would have entered my mind that this was supposed to be the mother of our Lord and Savior, Jesus Christ, notwithstanding what the artist had put on the bottom of it.

It never seemed to me that my mayor would be embracing anything like this, with or without the dung, as being what we think the Virgin Mary would look like, since basically we are talking about what a European Virgin Mary would look like as opposed to what an African Virgin Mary would look like.

I can understand how people of different cultures would clash, but are we suggesting that every time there is something that we find grotesque or different or odd, or something that we are ignorant about and we do not understand, that we come to the floor and say, cut the funding?

Am I supposed to check every library that got a Federal dollar and find some book that I do not understand, Ph.D. or not, and come here and say, I am offended by this, and just because we do not understand it, cut it out?

The city council of New York City has someone appointed from the city of New York sitting on this board. They are supposed to decide what exhibits they have and what exhibits they do not have. Clearly, if the mayor wanted to make the Brooklyn Museum a big hit, he sure did. There were lines out in the street. I could not find my way to the Brooklyn Museum of Art before the mayor announced what he did.

So if we do not like this grotesque thing, we ought to charge it up to Mayor Giuliani for giving it all this free publicity. There are lines wrapped around the building. They have to get more private funds now because people know where it is.

If the National Endowment has thought it was a pretty decent museum, for God's sakes, we do not want to say, because somebody may have made a mistake or someone did not understand what they were doing, that we in the Congress are so sophisticated, so smart, so creative, that we can say, hey, do not fund it.

I do not think we would want to do that, and certainly the way the polls look, I do not think the mayor, well, whether he did it for political reasons or not is subjective, but I do not think that he will be the beneficiary of doing it for Catholics, because Catholics really do not believe that politicians set the criteria about what we like and what we do not like, certainly not from the mayor's point of view.

So I hope we would reconsider this and not have a party vote on it. I think there are a lot of other things we do not understand that are worse than this.

Mr. DEMINT. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), a member of the committee.

Mrs. ROUKEMA. I thank my colleague for yielding time to me, Mr. Speaker.

I want to rise in strong support of what the gentleman from South Carolina (Mr. DEMINT) and the gentleman from New York (Mr. SWEENEY) are doing here.

Someone mentioned their disbelief. My disbelief is that we even have to come here today to state the case. I say that as a member of the committee of jurisdiction who has fought long and hard, and my Democrat members will remember me as the Republican that worked long and hard to preserve the Federal funding for the Humanities and the National Endowment for the Arts and Public Broadcasting System. I did it gratefully and happily and persistently.

But this is not the first time that we have had this particular discussion. I was also a member of the committee when we had this in the 1990s, as well as the Mapplethorpe and the Serrano situation, which has already been referenced here, and the obscene art controversy raised at that time.

So in 1990, when we reauthorized the NEA to ensure, and I quote, this is the language of the statute, ''Artistic excellence and artistic merit are the criteria by which grant applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.''

That is exactly what we put in place at the time, and there were cries that went up that, oh, no, this decency language, the decency clause, will not be constitutional. As Members may remember, Karen Findlay challenged and brought it as a First Amendment case before the Supreme Court.

But in June of 1998, the Supreme Court upheld that in the Karen Findlay case, remember, she smeared chocolate on herself, her naked body, but in the Karen Findlay case, the Supreme Court upheld the constitutionality of the decency clause. So I do not want to hear anymore questions about whether or not it is constitutional for Congress to make a determination under the decency clause as to whether or not this money can be given in grants to artistic entities, such as a museum.

I know what Members are going to say, well, this was not a precise grant, et cetera. But money is fungible. Everybody understands that money is fungible. But there is no way that we should be endorsing or having taxpayers pay for something that violates any religious beliefs or even aggrandizes pedophiles and child murderers.

I thank the Members for this opportunity. The Congress must go on record in opposition to the Brooklyn Museum of Art, and stating that no funds should ever be used under these circumstances again.

Mr. CLAY. I yield myself 30 seconds, Mr. Speaker.

Let us clear the record. First of all, there are no funds from the National

Endowment for the Arts that are provided for this exhibition. We ought to stop talking about Federal funds supporting this exhibition.

Secondly, we have people making the suggestion that this exhibition ought to be given someplace else other than in the art museum. Where should art be on display, other than in an art museum?

Then we say this is not censorship. Censorship to me is what we decide is acceptable and what is not acceptable in terms of art, even with our limited, and some of us with unlimited or no knowledge of art, deciding what it is, what is art.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, the issue before the House today is censorship. The issue is whether or not the Members of the House of Representatives or the mayor of New York City is going to determine what passes for art, and what people can see and cannot see in the art museums of the city of New York or the United States of America. That is what it is about, clear and simple.

Those people who are proponents of censorship, they do not want anyone to label them as would-be censors, so they couch their censorship in language of Federal funding or public funding or taxpayers' money, or words of that ilk. They seek to hide behind that, when really what they are trying to do is determine what people will see and will not see, and they want to make that determination in accordance with their own taste or lack of taste, their own knowledge or lack of knowledge, as the case may be.

Yes, the Brooklyn Museum does benefit from some public funds under certain circumstances and at certain times. That is not unusual. Every art museum, every proponent of the arts, every culture throughout the history of civilization on this planet has had public subsidization of some kind. The arts do not flourish without public subsidies of some kind, so we, as an enlightened society, make measures whereby we provide for public subsidies of the arts.

But we do not tell museums what they can display. We do not tell authors what they can write. We do not tell sculptors what they can sculpt. We leave that up to the artist, and we leave the success or failure of those works, whether they are written or on canvas or in some plastic medium, we leave the success or failure of those artistic works up to the final arbiters, the general public.

Interestingly enough, in this particular case, the general public seems to be saying, we have an interest in seeing what is on display at the Brooklyn Museum. I think the mayor of New York City may have had something to do with that interest in giving this display all the publicity that he has.

Whether he did or so intentionally or not, I don't know. Only he knows that. But whether he did so intentionally or not, he has provided this exhibit with more publicity than any art exhibit that the Brooklyn Museum of Art has had in recent memory. As a result of that, thousands of people are lined up in the streets around the Brooklyn Museum wanting to see this exhibit. That tells me that there is a great deal of public interest in this exhibit, and since there is a great deal of public interest, the public ought to determine whether or not it is there for people to see.

Let us not think that we here in the Congress or any mayor of any city or anybody of any common council can determine what the public ought to see or ought to read or ought to believe. That is up to them in a democratic society, not up to the Members of this House.

Mr. DEMINT. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. FOSSELLA), a cosponsor of this resolution.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I want to get back to this question about whether or not we are subsidizing, Mr. Speaker, whether or not we are paying for this. This is being misrepresented in the debate.

Money is fungible, and no, there is not a precise grant. But it is absolutely a subsidy, a subsidy last year that was more than $160,000, much more than that, to the Brooklyn Museum, and this year it is projected that it will be well over $250,000.

Do not tell me, it stretches credibility, to think that that money has not subsidized this particular exhibit.

Mr. FOSSELLA. Mr. Speaker, reclaiming my time, I thank the gentleman from South Carolina for yielding time to me. I also thank the gentleman from New York (Mr. SWEENEY), the sponsor of this legislation.

Mr. Speaker, this is the First Amendment: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.''

Nowhere in the First Amendment does it say that the United States taxpayer has to subsidize so-called art that desecrates one's religion. This is the issue.

There are others who want to say it is censorship, others who want to say that we are determining what art is. That is not true. The issue is, how do we appropriately use taxpayer money?

What we are saying, and I think we have the vast majority of support of the American people, both Democrats and Republicans in this body already sponsoring this resolution, we are saying that unless the Brooklyn Museum takes this exhibit away that desecrates an image that is sacred to a lot of Christians across the country, that glorifies a child molester, that they should not receive taxpayer money. It is very simple.

If they want to take this exhibit and put it somewhere else, in somebody's house, in somebody's apartment, or so many of the other private museums around the country, then so be it, and there will not be a problem. But this museum receives public money from both the city of New York, the State of New York, and from the Federal Government.

Do we not think there are more appropriate uses for taxpayer money than to desecrate religion? Is that such a stretch, that the NEA itself imposes standards on its exhibits, but we cannot; that the average American sitting at home who believes strongly in his faith or her faith says, wait a minute, I am working every single day, and the government is taking a little bit of my money and is going to fund this, are they not entitled to their opinion?

For those who say, this is democracy, now, we are a Republic.

□ 1630

We are supposed to speak for those folks. But we are speaking for them. There were hundreds, if not thousands, of people there on Saturday with me and so many others saying this is wrong. It is not a question of gray. Let us move on. Is this not over? It is wrong. It is wrong to use taxpayer money to fund this.

The Brooklyn Museum Board of Directors had every opportunity before the exhibit opened to take some of the more offensive works out. They decided not to. Incensed and in reflection upon their arrogance, I do not believe they deserve another dime of taxpayer money. They want to stick it to so many people across this country, so many New Yorkers, so be it. Let them do it on their own dime, not ours.

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

Mr. Speaker, I do not know how many hundreds were there to say that it was wrong, but I know that 10,000 went and paid $9-and-something to go see if it was wrong.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, ''Congress shall make no law respecting an establishment of religion.'' The gentleman from New York (Mr. FOSSELLA) just quoted the First Amendment to us.

What does this resolution do? It says that the sense of Congress is that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring ''works of a sacrilegious nature.'' I repeat, ''sacrilegious nature.'' How do we determine what is sacrilegious except by determining what offends a religion?

Remember, the First Amendment does not say there shall not be an establishment of religion. It says Congress shall make no law ''respecting an

establishment of religion.'' Does this resolution respect an establishment of religion? Let us read some of the clauses:

''Whereas the American taxpayer should not be required to subsidize art that desecrates religion and religious beliefs.'' It says the reason for this resolution is because the Brooklyn Museum exhibit is a desecration of religion. It says that this art exhibit features a ''desecrated image of the Virgin Mary''; ''desecrated'' is a religious-content word. It says that John Cardinal O'Connor considers the exhibit an attack on the Catholic faith. The Catholic faith is, indeed, one of several established religions.

The point is that this is not really a debate on censorship. I agree with the gentleman from South Carolina (Mr. DEMINT) and the author that Congress has the right to choose whether to fund art or not. Indeed, I happen to have voted against funding the NEA every time it has come up. The reason is that, when we fund art, we immediately get into First Amendment problems because government is funding one position and not another.

So I am not arguing that we do not have the right to stop funding. I entirely agree with the gentleman from Staten Island, New York (Mr. FOSSELLA), that we should not be funding art that offends people. I do not think we should be funding art at all.

We can stop funding all art. We can stop funding all art that offends people. The one thing we cannot do is make a distinction on whether that art offends religion or not. So I wish this had been written differently. I wish I had a chance to weigh in earlier on.

I want to close with the recognition of the excellent good faith of the gentleman from New York (Mr. SWEENEY), my high regard for him, and my high regard of all my colleagues who have sponsored this resolution.

But our oath of office is to uphold and defend the Constitution. That is the one thing we swear to do. We do not swear to be popular. Lord knows my position is not going to be popular in my district or in the State of California. But I swore to uphold and defend the Constitution. The Constitution says we cannot pass any law respecting an establishment of religion. That is what this resolution does. I must vote no.

Mr. DEMINT. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, there is a storm brewing in Brooklyn right now, and at the heart of the matter is whether the Government should force taxpayers to fund a museum where art is or can be considered to be anything, from splattering elephant dung on the painting of the Virgin Mary to cutting a pig in half.

Now I am not an art critic, and I may not know good art from bad, but I know when something is offensive when I see it. This Sensation Exhibit in the Brooklyn Museum of Art is the personification of offensive.

Mr. Speaker, I am a staunch advocate of protecting First Amendment rights, of freedom of expression. I believe the people in this country should be able to create art that depicts whatever they please. That is the American way; and we, as citizens, should respect that right. But I have got to ask, Mr. Speaker, where in the Constitution does it say that American taxpayers have to like it as well as pay for it?

The answer to that question is quite simple. The Constitution does not say that. The Constitution makes no mention of the right to Government funding for anyone's artistic concepts. There is no right to Government funding for any offensive material or, for that fact, no material at all.

If one wants to create a display of offensive art, fine, but pay for it oneself. Do not ask me and other taxpayers to fund it. It is not right. And it does not make sense.

Mr. Speaker, I commend Mayor Giuliani for taking the stand that he has on the Sensation Exhibit, and I urge all my colleagues to take the same stand by passing this resolution today.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, I do not know that I like much of the art that is in the Saatchi collection in the Brooklyn Museum. The reviews I read I do not think were quite flattering. But this is, once again, the law of unintended consequences.

A few years ago, one of our colleagues in the other body did not like a show that was going to be at the Corcoran Gallery not far from here, made a big deal about it, and made the show bigger than it ever would have been.

Now people are lining up around the Brooklyn Museum of Art to get in. So what my colleagues are trying to accomplish they are actually enhancing, and I think they have failed at that.

But the other problem is that my colleagues are heading down a road they do not want to go. Because surely somebody can go down the street to the National Gallery and find a Botticelli or something else they think is offensive and think we should not fund. But where do we stop from there?

But what is even worse is, yet again, this House has found it upon itself to get involved in the politics of New York and New York City. Quite frankly, I do not care about the politics of New York. I do not know why the gentleman from Alabama (Mr. RILEY) cares about the politics of New York. Let the people of New York do it.

Why is the party of States rights, the party of returning power to the local governments and the States trying to decide whether the city of New York, this does not even have anything to do with the NEA, this show does not have anything to do with the NEA, it is whether the city of New York ought to fund the Brooklyn Museum of Art on this show.

We really should not care, unless we want to become that paternalistic to tell the people what to do. I certainly do not want the people of New York telling the people of Houston, Texas, or Pasadena, Texas, what to do. But that is the next thing we will get. Some animal rights person will come up and say, The Pasadena rodeo is cruel to animals, and we should not allow any funding for it. It is a really dangerous path that my colleagues are heading down.

There is so much other business the House should be involved in. We have not even passed our budget for this year, but we certainly have time to deal with whether the city of New York ought to fund a show at the Brooklyn Art Museum.

Do we not have time to work on our budget instead of working on stuff like this?

Mr. DEMINT. Mr. Speaker, I reserve the balance of my time for closing.

Mr. CLAY. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Missouri (Mr. CLAY) has 6 minutes remaining. The gentleman from South Carolina (Mr. DEMINT) has 2½ minutes remaining.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

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

Mr. Speaker, I am not from Brooklyn. I am from the Bronx, just a little bit away. But I am from New York City, and I know politics when I see it. This House has not done its business this year. We have not passed the budget. There are so many things that we have not done.

What are we wasting our time on? We are wasting our time on politics. This is all about who will be the next Senator of the State of New York.

The Republican leadership ought to get its act together. They ought to pass the budget. They ought to make sure there are votes to pass the budget instead of trying to vote on these knee-jerk issues so that they can play to their right wing base. That is what this is all about.

Once we start going down this slippery slope of Government telling museums what they can or cannot do, where does it end? Sure this exhibit is offensive. Sure this exhibit is disgusting. But I do not think that we in Government ought to sit and judge as censors and say that we will not pay for this museum or that museum or whatever it is because we are offended. That is not what we should be doing.

Let us do our business. The Republican leadership wants to put their smoke screen up because they have not done their job. The American people know that they have not done their job.

So let us not talk about not giving Federal funds to the Brooklyn Museum. There are no Federal funds that go into this exhibit. There are Federal funds that go to the Brooklyn Museum for other things, targeted things, specific things. This is all about politics.

Mayor Giuliani gets up, and he starts talking again and again. If he had kept his mouth quiet, nobody would even know about this exhibit. He has given it more publicity than it ever could have gotten. But, again, he wants to move to the right, play to the Republican base, maybe get the conservative party line in New York. That is what this is all about.

So this Congress, again, should do the job that the American people elected us to do. We ought to pass the budget. We ought to do things on time. We ought not to talk about these knee-jerk base kind of gut reactions.

The Republicans want to play to their corps. They want to get their members enthused. They want to show that one person can out-right wing the other person. That is really a disgrace. Let us pass the budget and not waste our time on this nonsense.

Mr. DEMINT. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. It is incredible, Mr. Speaker, that here we are talking about attacking the people who criticize this junk as if they contributed to this, as if they brought it about.

It is not Mayor Giuliani. It is no one on this side of the aisle. It is no one who attacked this stuff that caused this to happen. It is the bizarre, idiotic attitude of people who believe that they want to push the envelope as far as they possibly can in order to prompt this kind of thing.

No, it does not need to be here. It does not have to be on the floor of the House of Representatives. That is absolutely true. If no idiot would have brought this stuff forward in the first place and try to pass it off as art, we would not be here. But here we are because, of course, there is money that is going into this and because I have to tell taxpayers that they, in fact, must contribute to this kind of junk. It is nothing but junk.

But it goes to show my colleagues how difficult it is to actually identify what is art and what is not. We should not be contributing anything to, quote, ''the arts'' because somebody will stand up at some point in time and say that this garbage is art; and, therefore, it should be funded. We should not be funding any of this, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I yield myself 5 seconds to try and decide whether or not I agree with the last speaker. I guess if I could understand what he said, I might agree with him. Stuff? Idiots? Junk? Et cetera?

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

Mr. Speaker, I represent Rochester, New York; and we have always known that people in New York City do strange things, but we have always tolerated them with some bemusement.

The mayor of New York now has embarked on his 18th First Amendment case, having lost all of them; and Congress today is going to try to join him in that exercise, which is going to be found blatantly unconstitutional.

I find more than a sense of irony that today we had H. Res. 57, where the House of Representatives expressed its great concern over interference with freedom of the press, but not in the United States, in Peru. So now we are all going to work this afternoon to see what we can do to interfere in Brooklyn.

Beauty has always been in the eye of the beholder. If the mayor does not want to go, he should not go. As a matter of fact, other people and the reviews of this show tell us that people are lining up around the building, standing in the rain to get in to see what has aggravated Giuliani so much this time.

Nobody as far as I know has fainted, been nauseated, or had to be removed to the hospital, which were some of the things that we were told might happen with this show.

My colleagues, I think a majority of Americans that we represent, God bless their judgment, think that it is time to really close the door on the tactics that make the arts and humanities political hostages every time we find something that we can pounce on.

The benefits that we receive for our economy and for our children and for our communities by arts and humanities are indisputable and far outweigh the small financial investment that we are making; however, we make no investment in this show in Brooklyn.

□ 1645

Now, the sooner we get around to accepting that fact, maybe we can get around to passing a budget and do something to stop having to shut down the Federal Government. I think it is unthinkable that we can work at this ploy just to aim solely at influencing the New York State senatorial election.

I want to say something for this museum. For more than a century, the Brooklyn Museum of Art has provided so many benefits, not only to the people of New York but to Americans all across the country. It strikes me as dreadful that the mayor not only wants to stop this show, he wants to evict this show, he wants to tear down the building and salt the ground. This Brooklyn Museum and what it has done for the Brooklyn's Children Museum through the Brooklyn Public Library is incalculable.

For Heaven's sake, let us not mess with this thing and please get back to the business of the United States.

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

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

Mr. Speaker, Thomas Jefferson said, ''To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.'' I think it is something we should remember in this debate.

I need to remind my colleagues on the other side that New York can do whatever it wants with its funds. We are trying to save Americans from using their money to pay for pornographic art.

It is interesting that in the religious arguments we have heard about the laws we make in this room that we hear arguments from the other side of the aisle that there should be no religious displays in the public sector. We take away all mangers from the public square, any religious materials from government schools, yet it is okay to have religion displayed in public facilities as long as it is perverted and pornographic. I think we have a double standard.

We talk about censorship. We try to censor all religious materials from our culture, yet we call it censorship if we try to take away pornographic and perverted art.

To sit here and say this is not relevant at a time when we look across America and wonder about the loss of values, the loss of the value of life, the violence that we see and then say that the denigration of everything sacred is not important to this institution is forgetting a lot about what made this institution and this whole country. We see a total disregard for all that is sacred.

I am thankful for the sponsors of this resolution and all who have spoken for it. It reminds us and all Americans that we do not need to sponsor from this organization this type of perversion.

Mr. NADLER. Mr. Speaker, this resolution is foolish both in substance and in principle. Foolish in substance because the Brooklyn Museum receives little federal money, just a few grants for educational projects and touring exhibitions. Foolish in principle because it is not the place of this Congress to bar a cultural institution from receiving federal money just because we may not like one exhibit it has chosen to display.

First, let's take a look at the substance of this debate. The Brooklyn Museum of Art, a well-respected institution that serves about half a million people each year is presenting an exhibition that has received acclaim internationally. This exhibit features the works of some of Britain's most popular artists. In fact, this exhibition drew the highest attendance of any contemporary art exhibit in London in 50 years. The most controversial pieces in the show are by Chris Ofili, a young British artist of Nigerian ancestry, who has won the Turner

Prize, a prestigious award given to the most talented young British artists, and whose pieces have sold for tens of thousands of dollars. Whatever you may think of the subject matter, this is a serious exhibition of work by serious artists, displayed in a respected museum.

Supporters of this resolution will claim that they believe in the right of these artists to show their work, but that American taxpayers should not have to pay for an exhibit like this. Well, let me point out very clearly, that the taxpayers are not paying for this exhibition. No federal money went to show this exhibit. Not a dime. The Brooklyn Museum receives federal money, but the money it receives goes directly to pay for educational initiatives and touring exhibitions. Do we want to cut off these worthy programs because we don't like one piece of art that the Museum has chosen to display? That would make no sense.

So this resolution is foolish in substance.

But this resolution is foolish, and I would say dangerous, in principle. What have we come to when the United States Congress is condemning an individual for exercising his right to free expression? I thought our book burning days were over. What's next? Will we be closing down our public libraries because they contain books that we don't like? I don't like every book in the library, but I'm glad they're there. Will we attack the libraries for having a copy of Mein Kampf, Hitler's autobiography, which offends people's sensibilities? Where does it end?

This exhibit is shocking. It's outrageous. Art has been called a lot worse since the beginning of time. But that's the point of art. It's meant to provoke debate and discussion. Good art makes us confront our own cultural norms. Does this exhibit fit my own artistic tastes? Maybe not. But will I defend the right of artists to express themselves and the right of the museum to bring various kinds of artistic expression to the public? You bet.

But, this is not about one exhibit. This is about whether you support free expression and creativity or not. If you support the first amendment, you find yourself fighting to the end to defend the rights of people you find offensive. We would set a very dangerous precedent here if we vote for this resolution. For the United States Congress to single out one museum and one artist as sacrilegious and then to hold the museum hostage to the tastes of the Gentlemen from New York as a condition of receiving federal funds is outrageous. Politicians should not be deciding what is art. We've debated in this House many times whether the federal government should be subsidizing art. I believe we should, and there are many who disagree. But if we do decide to subsidize art, as we have for over 35 years, we must do so without interfering in the content. If every arts institution must suddenly worry that their exhibitions will not satisfy the 435 art critics in the House of Representatives, it will create a chilling effect in the cultural world.

Frankly, I'm disappointed in my colleagues from New York who are supporting this resolution. New York is the capital of the art world, where we have a tradition of respecting the free expression of artists. If you don't like this exhibit, protest it, boycott the museum. Best of all, stay home and don't see it. But you don't need a Congressional Resolution to express personal outrage. It is improper and outrageous and it should be defeated. I urge my colleagues to vote against it.

Mr. PACKARD. Mr. Speaker, I would like to strongly urge my colleagues to support the sense of Congress resolution which prohibits Federal funding of the Brooklyn Museum of Art unless they discontinue the exhibit which features works of a sacrilegious nature. Thomas Jefferson once said, ''to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical''.

Art is certainly in the eye of the beholder. It is not the role of Congress to determine what is art, but it is the role of Congress to determine what taxpayer money will fund. The First Amendment protects the government from silencing voices that we may not agree with, but it does not require us to subsidize them.

Mr. Speaker, again I urge my colleagues to join me in expressing a sense of Congress that while we support everyone's right to express themselves artistically, we are not obligated to support them financially.

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from South Carolina (Mr. DEMINT) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 191, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution expressing the sense of Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibit featuring works of a sacrilegious nature.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DEMINT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 191.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MOLLOHAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2684, be instructed to agree with the higher funding levels recommended in the Senate amendment for the Department of Housing and Urban Development; for the Science, Aeronautics and Technology and Mission Support accounts of the National Aeronautics and Space Administration; and for the National Science Foundation.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. MOLLOHAN) will be recognized for 30 minutes, and the gentleman from New York (Mr. WALSH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. MOLLOHAN).

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

Mr. Speaker, my motion instructs the House conferees to agree to the Senate's funding levels in three areas: The overall budget for HUD; NASA's Science, Aeronautics, and Technology and Mission Support Accounts; and the overall budget for the National Science Foundation.

In each case, the Senate funding levels are higher than those for the House in this VA-HUD appropriations bill. I am moving to instruct conferees to adopt the higher numbers for these programs because these are all areas in which the House bill made excessive cuts. For HUD and NASA, the House-passed bill reduced appropriations substantially below the current year's level, as well as substantially below the request. For NSF, the House bill cut funding a bit below the fiscal year 1999 level and well below the President's request. In each case, the House-passed levels would do serious damage to important programs and are completely unwarranted at a time when the economy and the budget are in the best shape they have been for decades.

When we considered the VA-HUD bill on the floor this year, many Members, Republicans as well as Democrats, raised serious concerns about the cuts being made, especially in HUD, NASA, and the National Science Foundation. The managers of the bill, myself included, promised to do all we could to bring about more adequate funding for these accounts in conference. This motion represents a step toward that result. Its adoption by the House would strengthen our position in trying to assure at least minimally adequate funding for high priority items.

With respect to HUD, disregarding the various one-time offsets and rescissions that have no programmatic effect, the House-passed bill cuts appropriations $935 million below the fiscal year 1999 level and about $2 billion below the President's request. It cuts public housing programs $515 million below the current year level and cuts total CDBG funding $250 million below the current year. It provides no funding whatsoever to expand the number of families assisted through Section 8 housing vouchers in contrast to the $283 million provided for that purpose in the current year, and it makes cuts in a number of other important programs as well.

The Senate's total for HUD is about $1.1 billion above the House total, although it remains about $1 billion below the President's request. The Senate provided $50 million more than the House for homeless assistance, $300 million more for Community Development Block Grants, and a bit more for public housing operating subsidies. On Section 8, the Senate level is about $500 million above the House, although our first priority in Section 8 has to be taking care of existing contracts and vouchers, I hope that, within the Senate total, we would be able to find funds to provide at least some incremental vouchers.

There are still millions of low-income families unable to afford decent housing. Indeed, the current economic boom may be making the problem worse by driving up rents. We can afford the very modest increases in total HUD funding proposed by the Senate.

As for NASA, Mr. Speaker, the House bill makes deep cuts there as well. Total NASA funding in the House-passed bill is $925 million, almost $1 billion below the budget request and $1 billion below fiscal year 1999. Some of the deepest cuts come in space science programs, such as the work on developing new technologies in the next generation of space-based observatories and planetary probes. Other deep cuts come in earth sciences programs, which use space-based observations and technologies to help better understand our own earth and make better use of the earth's resources.

The Senate-passed levels for NASA are at the budget request, thereby providing $925 million more than the House bill. During the House floor debate, Member after Member, Democrats and Republicans alike, rose to express dismay about various cuts in NASA and to urge higher funding than provided in the House bill. Adopting this motion and instructing conferees to adopt the higher Senate number would take an important step toward restoring the funding for NASA that so many Members have advocated.

The final part of my motion to instruct deals with the funding level for the National Science Foundation. The House recommendation did not even bring total funding for the foundation up to the 1999 level, much less anything approaching the budget request. The House bill level is $34 million below last year and $285 million below that request. The Senate bill provided a total funding level for the foundation of $3.9 billion, identical to the budget estimate.

Let us face it, science and research is not cheap. It costs a lot of money to achieve and maintain world leadership in math, biology, information technology, and computer sciences, among other disciplines. But it may cost even more not to strive for this leadership. The information technology sector of our economy amounts to more than $700 billion today. We cannot afford to let our dominant position in these fields slip due to short-sighted and misguided budget policies.

The administration's budget request for the National Science Foundation included $146 million as a part of a six-agency, multi-year initiative called Information Technology for the 21st Century, or I.T.-Squared. The House-passed funding level included only $35 million for the NSF, the lead agency in that effort. If we recede to the higher Senate level, we should be able to provide more for this critical program intended to keep this Nation on the cutting edge of developments in information processing.

Higher funding is necessary if we are to respond to the recommendations of the President's Information Technology Advisory Committee, which recently concluded that our long-term research on information technology has been dangerously inadequate. In the words of the director of the NSF, we are able and ready to do 21st century science and engineering, but we cannot do it on a 20th century budget.

Mr. Speaker, I urge approval of this motion to instruct.

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

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his thoughts and comments on the bill. And I wish to again thank him for his help in moving the bill through the House.

As we now prepare for our conference with the Senate, we have made a lot of headway. And I would like to give credit to the staff, because the leadership has asked us to move expeditiously, and we are. And I think staff has us at a point now where we will be able to sit down with the Senate and begin and soon thereafter conclude the conference Wednesday morning.

So the instructions that the minority side has offered, I think, are constructive. I think they are helpful. When we had the debate in the House, we were far below the President's request and we were far below last year's enacted level in NASA, National Science Foundation, and in some areas of HUD. So as chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, I would see these as constructive.

We had a very difficult time in the House, because our allocation was much lower than in the Senate. But leadership, I think wisely, has allowed us to go in to this conference at the Senate's spending level, which still keeps us below last year's enacted level, keeps us within the caps and our overall discretionary spending level. And so if we are wise and we work together, I think we can resolve these issues by meeting the priorities that were discussed.

And I think we will probably hear more on NASA, on HUD and National Science Foundation from other Members here.

□ 1700

But I quite honestly could not agree more with the gentleman from West Virginia (Mr. MOLLOHAN). The challenge is obviously getting everyone to agree on how much to increase spending in each of those areas, what the priorities are, without basically telling those Departments where the legislative branch wants to spend money. So I take the motion as constructive.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on this motion to instruct conferees for the VA–HUD & Independent Agencies Appropriations bill for Fiscal Year 2000. This bill fails because it does not provide adequate funding for housing needs and it once again targets NASA for a reduction in funding.

While the total included in the House bill for HUD looks like a substantial increase over the fiscal year 1999 appropriations level, dissenters to the House version can point to the reductions in HUD programs below the prior year's level that are spread throughout the bill.

The bill provides a total of $26.1 billion for HUD programs and activities—$2.0 billion (8 percent) more than fiscal year 1999 funding (under official budget scorekeeping standards), but $2.0 billion (7 percent) less than requested by the President. On a programmatic level, however, (i.e., looking at the amount of budget authority actually provided for individual housing programs), the bill provides $945 million less for HUD housing programs than was available in fiscal year 1999.

Compared to current funding, the bill increases funding for one major HUD program, subsidized Section 8 rental housing contracts (2 percent)—but decreases funding for public housing modernization (15 percent), revitalizing severely distressed public housing (8 percent), drug elimination grants (6 percent), lead paint hazard reduction (13 percent), housing for persons with AIDS (4 percent), the Community Development Block Grant program (6 percent), ''Brownfields'' redevelopment (20 percent), Fair Housing activities (6 percent), housing for the homeless (1 percent), and the HOME program (1 percent).

In addition this bill would take the dream of exploring space and crush it beneath the weight of political posturing. This bill would tell our children, ''Forget about space. You will never reach it.''

And our children's dreams are not the only casualties. Jobs are at stake. As a Representative for the City of Houston, I cannot stand by and watch my Houstonians lose their jobs because of these cuts. The Johnson Space Center in Houston provides work for over 15,000

people. The workforce consists of approximately 3,000 NASA Federal civil service employees. In addition to these employees are over 12,000 contractor employees.

NASA has predicted the effects of the cuts on the Johnson Space Center, and the picture is not pleasant. NASA predicts that an estimated 100 contractors would have to be laid off, contractors composed of many employees and workers; clinic operations would be reduced; and public affairs, particularly community outreach, would be drastically reduced. Also, NASA would likely institute a 21 day furlough to offset the effects of the cuts, and this furlough will place many families in dire straits. Also, the Johnson Space Center would have to eliminate its employee Safety and Total Health program.

The entire $100 million reduction in the International Space Station would be attributed to the space center and would cause reductions in the Crew Return Vehicle program. This would result in a 1 to 2 year production slip and would require America to completely rely upon Russia for crew returns. This is a humiliating situation. We pride ourselves in being the world leader in space exploration, yet, what does it tell our international neighbors when we do not even have enough funding to bring our astronauts home?

The cuts would not only effect Houston; they would effect the rest of the country. NASA's Goddard Space Flight Center would need to cut over 2,500 jobs. Such layoffs would effect both Maryland and Virginia.

The $100 million reduction in NASA's research and development would result in an immediate reduction in the workforce of 1,100 employees for fiscal year 2001. This would also require a hiring freeze, and NASA would not be able to maintain the necessary skills to implement future NASA missions.

Negative effects will also occur across our Nation. Clearly, States such as Texas, Florida, and Alabama will see substantial cuts to the workforce, but given today's widespread interstate commerce, it is easy to imagine that these costs to the NASA program will hit home throughout America. And NASA warns that the country may not see the total effects of this devastation to our country's future scientists and engineers for many years.

NASA contractors and employees represent both big and small businesses, and their very livelihood are at stake—especially those in small business. They can ill afford the flood of layoffs that would certainly result from this bill.

Dan Goldin, head of NASA, has already anticipated the devastating effects of the NASA cuts. He predicts a 3 week furlough for all NASA employees. This would create program interruptions and would result in greater costs. Ladies and gentlemen, we are falling, if not tumbling, down a slippery slope. This bill would reduce jobs for engineers and would increase NASA's costs, a result that will only result in more layoffs as costs exceed NASA's fiscal abilities.

We are at a dangerous crossroads. This bill gives our engineers and our science academics a vote of no confidence. It tells them that we will not reward Americans who spend their lifetimes studying and researching on behalf of space exploration. I urge my colleagues to join me in my effort to stop the bleeding.

Over the past 6 years, NASA has led the Federal Government in streamlining the Agency's budget and institution, resulting in approximately $35 billion in budget savings relative to earlier outyear estimates. During the same period, NASA reinvented itself, reducing personnel by almost one-third, while continuing to increase productivity. The massive cuts recommended by the Committee would destroy the balance in the civil space program that has been achieved between science and human space flight in recent years.

In particular, the Committee's recommendation falls $250 million short of NASA's request for its Human Space Flight department. This greatly concerns me because this budget item provides for human space flight activities, including the development of the international space station and the operation of the space shuttle.

I firmly believe that a viable, cost-effective International Space Station has been devised. We already have many of the space station's components in orbit. Already the space station is 77-feet long and weighs over 77,000 pounds. We have tangible results from the money we have spent on this program.

Just this past summer, we had a historic docking of the space shuttle Discovery with the International Space Station. The entire world rejoiced as Mission Commander Kent Rominger guided the Discovery as the shuttle connected with our international outpost for the first time. The shuttle crew attached a crane and transferred over two tons of supplies to the space station.

History has been made, yet, we seek to withdraw funding for the two vital components, the space station and the space shuttle, that made this moment possible. We cannot lose sight of the big picture. With another 45 space missions necessary to complete the space station, it would be a grave error of judgment to impede on the progress of this significant step toward further space exploration.

Given NASA's recognition of a need for increased funding for Shuttle safety upgrades, it is NASA's assessment that the impact of a $150 million cut in shuttle funding would be a reduction in shuttle flight rate, specifically impacting ISS assembly. Slowing the progress of the ISS assembly would defer full research capabilities and would result in cost increases.

Both the International Space Station and the space shuttle have a long, glorious history of international relations. We can recall the images of our space shuttle docking with the Russian Mir space station. Our Nations have made such a connection nine times in recent years. This connection transcended scientific discovery: it signified the true end of the Cold War and represented an important step toward international harmony.

The International Space Station, designed and built by 16 nations from across the globe, also represents a great international endeavor. Astronauts have already delivered the American-made Unity chamber and have connected it to the Russian-built Zarya control module. Countless people from various countries have spent their time and efforts on the space station.

To under-fund this project is to turn our backs on our international neigbhors. Space exploration and scientific discovery is universal, and it is imperative that we continue to move forward.

I also denounce the cuts made by the Appropriations Committee to NASA's science, aeronautics, and technology. This bill cuts funding for this program $678 million below the 1999 level.

By cutting this portion of the NASA budget, we will be unable to develop new methodologies, better observing instruments, and improved techniques for translating raw data into useful end products. It also cancels our ''Pathfinder'' generation of earth probes.

Reducing funding for NASA's science, aeronautics, and technology hinders the work of our space sciences, our earth sciences, our academic programs, and many other vitally important programs. But under-funding this item by $449 million, the Appropriations Committee will severely impede upon the progress of these NASA projects.

I ask my colleagues that represent the House of Representatives during conference to restore the $924 million to the NASA budget and to provide adequate funding to the HUD portion of this appropriation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Motion to Instruct Conferees to accept the other body's funding level for HUD, which provides more money for important housing and economic development programs than the House bill and is much closer to the President's request. There are 5.3 million people in this country who suffer worst case housing needs. In Chicago, nearly 35,000 people are on the waiting list for affordable public housing. This is not the time to cut much needed housing aid to people on fixed- and low-incomes.

But the House would cut HUD funding. My district, alone, would lose $4.5 million in critical aid that the President requested in his HUD budget proposal. That's 386 jobs that would not be created and 256 homes that would not be built if we enact the House HUD budget. Across the country, the cuts would total 156,000 fewer homes and 97,000 fewer jobs. We can do better.

The other body provides $500 million more for the Section 8 program, which provides rent subsidies for seniors, persons with disabilities and low-income families. It provides $64 million more for housing for seniors and persons with disabilities and for Housing Opportunities for Persons With AIDS (HOPWA). There is $300 million more the Community Development Block Grant Program, which local governments used to create jobs back home.

Considering the importance of housing to the American family and the desperate need for that housing, it is incumbent upon us to take whatever opportunities are available to increase HUD funding. The other body's VA–HUD bill presents that opportunity. I urge my colleagues to vote for the Motion to Instruct Conferees to accept the other body's HUD funding level.

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

Mr. WALSH. Mr. Speaker, we have no further requests for time. I accept the motion of the gentleman to instruct conferees, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from West Virginia (Mr. MOLLOHAN).

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

Mr. MOLLOHAN. 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, further proceedings on this motion will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2466, be instructed: (1) to insist on disagreement with the provisions of Section 336 of the Senate amendment and insist on the provisions of Section 334 of the House bill; (2) to agree with the higher funding levels recommended in the Senate amendment for the National Endowment for the Arts and the National Endowment for the Humanities; and (3) to disagree with the provisions in the Senate amendment which will undermine efforts to protect and restore our cultural and natural resources.

The SPEAKER pro tempore. Under the rule, the gentleman from Washington (Mr. DICKS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. REGULA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

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

Mr. Speaker, the first part of my motion deals with the issues of the number of millsites allowed under the interpretation of the provisions of the Mining Law of 1872.

Members will recall that this matter has been a contentious issue twice this year, both on the 1999 emergency supplemental appropriations bill and on the 2000 Interior appropriations bill. Both the House and Senate versions of the Interior bill contain provisions relating to the permissible level for millsites for mining activities on Federal lands.

The House provision was included as a floor amendment offered by the gentleman from West Virginia (Mr. RAHALL) for himself and for the gentleman from Connecticut (Mr. SHAYS) and for the gentleman from Washington (Mr. INSLEE).

The amendment was adopted by a vote of 273–151. That amendment upheld the opinion of the Department of Interior that the correct interpretation of the 1872 Mining Law is that only one 5-acre millsite for mine and tailings is allowed for each claim or patent for mining activities on Federal land. The Senate provision is 180 degrees on the other side of the issue.

The Senate provision sets aside the Department of the Interior's legal ruling and directs that the Interior and Agriculture Departments cannot limit the number or size of areas for mine waste. Furthermore, their provision is not just applicable for fiscal year 2000. The language of the amendment applies for any fiscal year.

Mr. Speaker, the Senate provision has no place in the Interior appropriations bill. If the supporters of that provision want to amend the 1872 Mining Law, let them do it through the normal legislative process. The law allows mining operations on Federal land to proceed after payment of only $2.50 to $5 per acre. That may have made sense 125 years ago when the Nation was settling the West, but it certainly makes no sense today.

Practically the only provision yielding any environmental protection at all in the 1872 law is the provision that only one 5-acre millsite per claim is allowed. To weaken that provision may benefit the mining industry, but it is bad public policy and will almost certainly result in the veto of the Interior Appropriations act.

Unfortunately, during extended debate on this issue, some have resorted to ad hominem attacks on the Solicitor of the Department of Interior. Most often, such attacks are resorted to when the preponderance of evidence does not support the position of the persons making the attacks. And that is precisely the situation here.

While there may have been some confusion due to administrative guidance issued in the past, as courts have stated, administrative practice cannot supersede the plain words of the statute. And here is what the law says from, 30 U.S.C., 42, page 804 of the 1994 edition of the United States Code:

Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made on or after May 10, 1872, of such nonadjacent land shall exceed five acres.

I urge my colleagues to do the right thing for the environment and for our publicly owned lands and reaffirm their support for the Rahall amendment.

The second part of the motion merely instructs the House conferees to agree with the slightly higher funding levels that the other body recommended for the National Endowment for the Arts and the Humanities. For each Endowment, the Senate recommendation is $5 million higher than the amount contained in the House bill. Both of these important organizations have received virtually flat funding for the past 4 years. And that flat funding level has been approximately 40 percent below the amounts provided prior to 1995.

Both organizations, but especially the National Endowment for the Arts, have substantially changed their operations and procedures in response to Congressional criticism. The message has been received, and it is time to move on. Both organizations have an impact far beyond just the level of funding provided. They both level their Federal funding with State, local, and private resources so that the impact of each appropriated dollar is magnified.

We have had the debate on the merits of these agencies time and time again during the past 5 years. Every time the House has been permitted to speak its will on the NEA and the NEH, the result has been supported. During consideration of this year's Interior bill on the House floor, an amendment to reduce the funding level for the National Endowment for the Arts by just $2 million was defeated by a vote of 124–300.

I realize an amendment to increase NEA and NEH funding by $10 million each was nearly defeated, but this was solely due to concern about the proposed offsets. The Senate was able to find additional funding for the Endowments without the objectionable offsets, and I believe the House conferees should go along with their recommendations.

The final part of this motion concerns the several new provisions added during Senate consideration of the bill that are generally regarded as assisting the special interest to the detriment of our public land. I will not itemize all the provisions. That has been done repeatedly by the administration, the press, and concerned individuals and groups. I believe if most of these provisions are included in a bill sent to the President, a veto will result and we will have to negotiate the measure again.

I urge my colleagues to avoid that unnecessary confrontation by stripping the anti-environmental provisions out of the bill in the conference.

I hope my colleagues will demonstrate their support for the environment and for the Endowments of the Arts and Humanities. Support the motion to instruct the Interior conferees.

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

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

Mr. Speaker, I would just briefly address a few of the points made by the gentleman from Washington (Mr. DICKS).

First of all, on the matter of amending the Mining Act of 1872, that is a policy change; and I think that correctly it should be done by the Congress in the normal legislative process. I do not believe that a Solicitor General should exercise a privilege of

amending a policy matter that has been adopted by the Congress. That would, to me, be bad public policy.

I think, obviously, something we need to address is the Mining Act. 1872 is a long time ago and many things have changed since then, but it should be done in an orderly way rather than to delegate legislative responsibility to the Solicitor General.

I might mention on the matter of the arts, since there has been a rather lively discussion prior to this on the Brooklyn Museum of Art, and that is that we maintain in this bill the Congressional reforms: 15 percent cap on the amount of funds any one State can receive; State grant programs and State set-asides are increased 40 percent of total grants; anti-obscenity requirements for grants, and this is supported by the Supreme Court decision in 1998, as was stated in the previous debate, puts six Members of Congress on the National Council on the Arts, three from the House, three from the Senate; reduce the presidentially appointed council to 14 from 26; prohibited grants to individuals except for literature fellowships or National Heritage fellowship or American Jazz Masters fellowship; prohibited subgranting of four full seasonal support grants; allows NEA and NEH to solicit and invest private funds to support the agencies; provided a grant priority for projects in underserved populations; provided a grant priority for education, understanding, and appreciation of the arts; and provided emphasis for grants to community music programs.

These changes were incorporated in prior Interior bills limiting the NEA. I think they worked extremely well, and that has been evident by the fact that we have not had some of the problems that were prevalent in the past. I think these conditions are an important element in congressional responsibility or congressional oversight, as my colleagues may choose to define it.

That is one of the issues, of course, in the Brooklyn Museum of Art, and that is what oversight does Government have on the way in which funds are expended. We have tried to do a responsible piece of work on this issue, and I think it has been a great help in keeping support for the NEA and the NEH, and particularly the NEA, in our bill.

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

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

Mr. Speaker, I do want to commend the chairman. I had the privilege of working with him a few years ago in drafting language that, as he suggested, was tested by the Supreme Court of the United States. That rule tried to emphasize quality in making these grant awards. Because, obviously, the National Endowment for the Arts and Humanities, neither one of them can fund every single grant application that comes in.

□ 1715

We worked on language that talked about funding those applications that had the highest quality, that represented the finest in the arts. I believe that a lot of the success in recent years of both the Endowment for the Arts and Humanities is because we did give some guidance. I think the gentleman from Ohio deserves a great deal of credit for his leadership on this issue.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the chairman of the Arts Caucus who has been a real leader on these issues.

Ms. SLAUGHTER. Mr. Speaker, first I want to commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their extraordinary work and how wonderful it is to work with both of them.

The first thing I want to say today is we have just had the resolution on the Brooklyn Museum of Art. I want to put everybody's minds at rest, there is no NEA money in that exhibition.

Mr. Speaker, I rise in support of the motion to instruct conferees on the fiscal year 2000 Interior appropriations bill. As most of my colleagues will attest, I have long stood at the well of this Chamber to advocate for the strongest level of support possible for the arts and humanities.

For the past 4 years, this body has passed up the opportunity to benefit millions of Americans by choosing to level-fund the National Endowment for the Arts and for the Humanities. Year after year, I have joined with other members in a bipartisan way, members of the Congressional Arts Caucus, to show our support for our Nation's cultural institutions, and to fight back against the political rhetoric and campaigns of misinformation that have long been used against these vital agencies.

So today I say with great enthusiasm that we are finally beginning to reap the benefits of these efforts. This motion to instruct provides badly needed relief to the NEA and the NEH by directing the conferees to accept the $5 million funding increases that were responsibly added to this bill by the other body. These small increases will permit the NEA to broaden its reach to all Americans through its Challenge America initiative. It will give the Endowment the resources to undertake the job that we in Congress have asked of it, to make more grants to small and medium-sized communities that have not been the beneficiaries of Federal arts funding in the past. From the fields of rural America to the streets of our inner cities, the NEA has a plan to expose all Americans to the arts and this money would help them to do exactly that.

In addition, the NEH plays an equally important role in our society. It is at the forefront of efforts to improve and promote education in the humanities. NEH funding is well spent to ensure that teachers, restricted by scarce funding, are well-trained in history, civics, literature and social studies. Through the use of computers, educational software and the Internet, the NEH is also using its Teaching with Technology initiative to bring the humanities to life in the information age.

Mr. Speaker, a majority of Americans and a majority of this House support the arts and humanities. In addition, these institutions are supported by such entities as the United States Conference of Mayors, the National Association of Counties, and by such corporations as CBS, Coca-Cola, Mobil, Westinghouse and Boeing, to name just a few. These organizations support the arts because they provide economic benefits to our communities. Last year, the $98 million allocated to the NEA provided the leadership and backbone for a $37 billion industry. For the price of one-hundredth of 1 percent of the Federal budget, we helped create a system that supports 1.3 million full-time jobs in States, cities, towns and villages across the country, providing $3.4 billion back to the Federal Treasury in income taxes. I think that is a good investment.

As we head into a new millennium, these modest increases will allow the NEA and the NEH to spread the wonderful work that they do to every city, town and village in America. Federal support for the arts and humanities is an incredibly worthwhile investment and these increases would take a small but important step toward revitalizing two agencies that we have neglected for too many years.

I urge all of my colleagues to vote in favor of the motion to instruct.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, I want to thank the chairman of the committee for yielding me this time here to address some of these issues.

I am not sure whether we are here arguing about the mill site provision on the basis of science or emotion. I rise in strong opposition to the motion to instruct conferees because this amendment, this provision on the mill site is nothing but a rider which we constantly hear, it is a rider on an appropriations bill, it is legislating on an appropriations bill, and it is not necessary. Members start talking about the sound science, as I hear from the previous speakers who are in support of this motion, on the basis that it is needed to protect our land and protect our environment. I refer them directly to the publication which was just printed, in fact it was released September 29, 1999, from the National Research Council titled ''Hard Rock Mining on Federal Lands.'' The number one issue in this 200-page report that was paid for and authorized to study this issue says that the existing array of Federal and State laws regulating mining in general are effective in protecting the environment.

There is no reason that we have to sit here and talk about restricting mill sites to protect the environment. I would agree with my colleague from Washington that the 1872 law says that it is a five-acre mill site. That is for one reason, because we permit and we stake out or locate mill sites in five-acre increments. But when we restrict this five acres to a 20-acre claim, it does not allow for the administration, the milling, as well as the overburden and tailings that come from a 20-acre mine. You cannot take 20 acres of overburden rock, move them off of 20 acres and stack them on five acres and put your administration there, put your mill site there, as well as the tailings that are off of this mine.

So I would suggest that this is really a poor interpretation of the current mining practices that have not been challenged even by this administration until this recent Solicitor General's opinion that was put in simply to stop the Crown Jewel mine in Washington State.

For the past practices of this industry, the administration through the Bureau of Land Management has permitted numerous mill site applications per mining claim, not restricting them to numbers but only to five acres in size and increment, so that you could get more than one 5-acre mill site per mining claim. This is necessary because of the current practices of mining. Unlike underground mining which is in my colleague's State of West Virginia here, most of the mining out West is done in open pit style mining where it takes a great deal of overburden, removes that off of the ore deposit and then mines the ore body. It takes a requirement of acreage larger than five acres to put an overburden that comes from a 20-acre mill site.

What we would be doing here in effect by passing this motion to instruct conferees and restricting them to a five-acre limitation would be to effectively and retroactively go back and shut down these mines. I think that is in the wrong direction that we would be taking this industry, and so I would suggest to my colleagues that we oppose this, because there is no real need for this provision.

We are able to go back through the permitting process, through all of the environmental agencies, through all of the agencies that oversee mining and actually look and review the requirements for more than a single five-acre mill site with some of these mines. And in doing that process, we have then protected the environment. We have looked at it from all angles. But to restrict them on an arbitrary basis that you only get five acres is totally unfounded in the science and is supported by this recent publication here that we have in our hands today.

Mr. Speaker, I want to thank the gentleman from Ohio for his leadership in this area. I do rise in opposition to this motion to instruct.

Mr. Speaker, I rise to oppose the Motion to Instruct Conferees on H.R. 2466, the FY 2000 Interior Appropriations Act. This motion will allow the Solicitor of the Department of the Interior to amend the existing mining law without congressional authorization.

In March of this year, the Solicitor at the Department of the Interior reinterpreted a longstanding provision of law and then relied on his new interpretation to stop a proposed gold mine in Washington State.

This proposed mine (Crown Jewel) had gone through a comprehensive environmental review by Federal and State regulators, which was upheld by a federal district court. They had met every environmental standard required and secured over 50 permits. The mine qualified for their Federal permit after spending $80 million and waiting over 7 years. The local Bureau of Land Management and Forest Service officials informed the mine sponsors that they qualified for the permit and they should come to their office to receive it. It was then that the Solicitor in Washington D.C. intervened and used his novel interpretation of the law to reject the project.

This Motion is cleverly designed to codify this administrative reinterpretation. This interpretation has been implemented without any congressional oversight or rulemaking which would be open to public review and comment. This was a calculated effort to give broad discretion to the Solicitor to stop mining projects that met all environmental standards yet were still opposed by special interest groups. The Motion should be defeated and the Solicitor should be required to seek a congressional change to the law of enter a formal rulemaking giving the impacted parties an opportunity to comment on the change.

If allowed to stand, the Interior Department's ruling will render the Mining Law virtually meaningless and shut down all hard rock mining operations and projects representing thousands of jobs and billions of dollars of investment throughout the West.

This Motion would destroy the domestic mining industry and with the price of gold at a new 30-year low, the second largest industry in Nevada will cease to exist. Pay attention Congress, mining will no longer exist in Nevada.

If the Secretary or his solicitor has problems with the United States mining law then he should take these problems to Congress, to be debated in the light of day, before the American public. Laws are not made by unelected bureaucrats. Bureaucrats administer the laws Congress approves whether or not they agree with those laws. It is the duty of government in a democracy to deal honestly with its citizens and not to cheat them.

As the Wall Street Journal stated, ''if the Solicitor's millsite opinion is allowed to stand, investment in the U.S. will be as risky as third world nations.'' The International Union of Operating Engineers opposed the Rahall amendment on the basis that if passed it will force the continued loss of high paying U.S. direct and indirect blue-collar jobs in every congressional district. The Constitution gives the people control over the laws that govern them by requiring that statutes be affirmed personally by legislators and a president elected by the people.

Majorities in the House and Senate must enact laws and constituents can refuse to reelect a legislator who has voted for a bad law. Many Americans no longer believe that they have a government by and for the people. They see government unresponsive to their concerns, beyond their control and view regulators as a class apart, serving themselves in the complete guise of serving the public.

When regulators take it upon themselves to legislate through the regulatory process the people lose control over the laws that govern them. No defensible claim can be made that regulators possess superior knowledge of what constitutes the public good. Nor to take it upon themselves to create laws they want because of congressional gridlock—the value laden word for a decision not to make law. The so-called gridlock that the policy elites view as to unconscionable was and is no problem for people who believe in the separation of powers doctrine contained in the Constitution which holds that laws indeed should not be made unless the broad support exists to get those laws through the Article I process of the Constitution, i.e., ''All legislative powers herein granted shall be bested in Congress.''

Let us debate the merits of the proposal, do not destroy the lives of hundreds of thousands of miners just to appease special interest groups whose entire agenda is to rid our public lands of mining. If you have problems with mining on our public lands come and see me, together we can make positive changes but do not destroy the lives of my constituents today by supporting this Motion!

Without mining none of us would have been able to get to work today, we would not have a house over our heads—because without mining we have nothing. Give our mining families a chance to earn a living, to work to provide the very necessities that you require. Oppose the devastating riders in the Motion to Instruct Conferees and uphold your constitutional oath to your constituents.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL) who was the author of this amendment to the Interior appropriations bill and who is an expert on this subject here in the House of Representatives.

Mr. RAHALL. Mr. Speaker, I thank the distinguished ranking minority member for yielding me the time and commend him for the motion that he has brought. I support all three points of his motion to instruct but would like to narrow my remarks to the mill site provisions portion of these instructions.

As has been referred to, Mr. Speaker, the House overwhelmingly in a bipartisan vote on July 14 adopted my amendment offered along with the gentleman from Washington (Mr. INSLEE) and the gentleman from Connecticut (Mr. SHAYS) to uphold the Interior Department's lawfully constructed position on the ratio of mill sites which may be located in association with mining claims on western Federal lands. This amendment was adopted 273–151, so a vote today in support of this motion to instruct would be consistent with the vote of last July 14.

This issue is about protecting the American taxpayers and the environment against abuses which occur under that Mining Law of 1872 under which there is overwhelming support for some type of reform. Simply put, if Members

voted ''aye'' on July 14, they vote ''aye'' today as well. As for the 151 Members who voted ''no'' at that time, perhaps they will see the light, have the opportunity to make amends, and today is the opportunity to do the right thing.

We have had debate on this issue during the course of many years. Since our last debate, however, on July 14, new information has come to light. Under a directive that was included in the supplemental appropriation enacted last May, the Interior Department has now completed a report on the number of pending plans of operation and patent applications, which under the Solicitor's opinion, contain a ratio of mill sites to mining claims in excess of legal requirements. The results of this report clearly illustrate that the Solicitor's opinion will not lead to the end of all hard rock mining on western Federal lands as some would have us believe.

In response to the gentleman from Nevada who just said that what we are doing by these instructions is retroactively going back and shutting down mines, that statement is certainly not substantiated by the facts of what I am about to present to the body. There are 338 pending plans of operations affecting BLM, National Forest System and National Park System lands. Three hundred thirty-eight pending plans of operations. Twenty-seven were found to include a ratio of mill sites to mining claims in excess of the legal requirement. Twenty-seven of those 338 would be affected by these instructions. That is only about 8 percent.

Pending patent applications that could be affected, here the Department found that of the 304 grandfathered patent applications, only 20, that is about 7 percent, are estimated to have excess mill sites. It is clear, then, that the vast majority of the hard rock mining industry in this respect has chosen to abide by the legal requirements of the law. The vast majority of the hard rock mining industry abides by the legal requirements of the law. So I find it difficult to believe that the Congress would now penalize this majority of law-abiding operations and award the contrary minority as they relate to the mill site to mining claim ratio by rejecting the Solicitor's opinion.

So let us go along with these instructions, with the vote we had last July 14, an ''aye'' vote to instruct the conferees to uphold the House position as well as the majority law-abiding portions of the hard rock mining industry.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, we have many times in this Congress seen committee chairs of authorizing committees complain about the fact that the Committee on Appropriations has added amendment after amendment to appropriations bills which they feel are legislative amendments rather than appropriating amendments and therefore do not belong on appropriations bills.

Just last week we were treated to the concerns that one chairman of an authorizing committee had on two appropriations bills that were on the floor. Because of that, I find it ironic that in this case what we are trying to do today is to tell the other body that they should strip from the Interior and HUD appropriation bills a whole range of amendments that do not belong on the bill.

Three years ago on the HUD bill, we had a fight over 13 anti-environmental riders that were added to that bill, and it took three votes before we finally were able to strip those off. Now we have well over a dozen major anti-environmental riders added by the other body, if we take the administration's count, and well over that number if we take other outside observers' count.

□ 1730

In many instances the people who have been offering these amendments are authorizing committee chairs who cannot get those amendments added to authorizing legislation and so are now trying to use the appropriations bills as vehicles to accomplish their own ends.

So we see the spectacle of amendments being added to satisfy the mining industry, amendments being added to satisfy the logging industry, amendments are offered to satisfy the grazing interests, and we see amendments being offered to satisfy the oil industry.

The problem is that in each instance those amendments are against the public interests. They may be perfect, a perfect fit with private interests, but they are certainly the antithesis of what we would do if what we were doing is focusing on the public interests; and to me what the gentleman is simply suggesting is that enough is enough, we ought to instruct the conferees to eliminate these nonappropriation provisions. It seems to me, if we do that, we will be protecting the taxpayers' interests as well as the public interest; and once in a while just for the heck of it that is what we ought to be seen as doing.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I rise today in opposition to the motion to instruct, specifically on the issues regarding the NEA and the NEH. I will not deal with the issue of mining and the policy issues, but the increase in funding for NEA and NEH. I rise because we just debated an issue similar to this, of course, just a few minutes ago, about a half hour ago I suppose.

And I rose on that occasion to support an amendment that would clearly identify the sense of the Congress about the expenditure of tax money on an, I guess I will have to say, an art exhibit, although it is certainly hard to qualify it as such, in New York City, in Brooklyn. And the gentleman opposing us on that indicated that he really did not understand the gist of my point, so I am happy to once again stand up here and get a few more minutes, a bit longer time, to say what I want to say about this and explain my concern about it and do so a little slower because I have a little more time to do it. Maybe it will be better understood.

But the fact is that the problem we see both in Brooklyn, the problem with increasing money to the NEA, is endemic to this whole question of whether or not we should be asking taxpayers of the United States to fund any project of art because we are always going to have these kinds of debates because there will always be people who will push the kind of stuff that we are talking about in Brooklyn and will do other kinds of things in order to get the attention of either the Congress or any other appropriating body that is giving money to the arts in order to eliminate any sort of criteria whatsoever in the decision-making process as to what should be publicly funded, because they do not want it, they do not want that kind of restriction. So they are always going to be pushing the envelope and will always be here talking about whether or not it is appropriate.

My point is that I agree that I wish we were not here doing that because I wish we were not appropriating money for the arts, period. It is not the responsibility of the Government to determine what is and what is not art.

We can certainly, and there was a robust debate about what exactly is and is not art in Brooklyn, and I wish we were not here doing it; but as long as we are going to tax Americans for this purpose, as long as we are going to take money out of their pockets and distribute it to individuals, then we are going to be here determining what is what, what is and what is not art, what should be and what should not be funded. And that is why I certainly rise in opposition to any increase whatsoever in appropriations to the NEA, and I certainly would rise, if I had the opportunity, to strike all funding for it for this very reason. It always creates this kind of confrontation, and it should not. We should not be funding it.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. INSLEE) who has been a leading defender and protector of the environment in Washington State and throughout the country.

Mr. INSLEE. Mr. Speaker, I will speak in strong support of this motion, and I think this motion supports two values that we ought to hold, and the first is the value of respect, respect for the law, and the second value is respect for this House and our interests in protecting the public interests, not the special interests; but first, respect for the law.

We have got to understand that all this motion does is simply say that we are going to respect, we are going to follow, we are going to honor the preexisting and existent law of the United States of America today. And I would like to refer my colleagues to 30 U.S.C., Section 42, in the language specifically previously adopted by Congress, not by some bureaucrat, not by some middle-level agency official. By the United States Congress the law specifically says that such patents and mining claims on nonadjacent land shall not exceed 5 acres, shall not exceed 5 acres. It is the law today, and we are not amending the law, we are preventing an amendment of law in the appropriations process.

Now it is beyond my imagination when the U.S. Congress says, If you're going to have a place to put your cyanide-laced rock on the public's land, you can only do it, but it won't exceed 5 acres, how folks can turn around and say, Well, sure, you can only do it 5 acres, but you can do it as many times as you want on 5 acres.

That does not wash. We should have respect for the law and pass this amendment.

But secondly, I think there is maybe a more important issue here, and that is respect for this House and this Houses's obligation to protect the general public interest.

As my colleagues know, it has been a sad fact that this other chamber, which we dearly respect, has sent us over anti-environmental riders after anti-environmental riders, and those riders protect the special interests, not the general public interest; and if we ask why there has been such an interest in some of our States in independent politics and reform-minded politics, it is because the other chamber has sent us sometimes fleas on the backs of some of these laws, and we have got to delouse some of these appropriation bills. We ought to start right here with this motion.

We should stand up for our vote and the 273 Members that stood up for the general interest and pass this motion.

Mr. DICKS. Mr. Speaker, I yield myself 15 seconds.

I want to compliment the gentleman from Washington (Mr. INSLEE) for following the Udall rule, that when all else fails, read the statute. The gentleman clearly has done that, and the statute is pretty clear; and I urge the other side to take a look at it at their leisure.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN), a member of our subcommittee, a valued member of our subcommittee.

Mr. MORAN of Virginia. I thank the gentleman from Washington, our very valued ranking member on our subcommittee, and I want to thank the chairman of our Subcommittee on Interior for his very fine work; and I am just up here to support this instruction because I know it is wholly consistent with what our chairman would want, as would all the enlightened Members of this body. Sometimes the Senate gets away with things, and we just have to try to set them straight.

So I support this because not only would I like to see a little extra money for the National Endowment for the Arts and Humanities, but certainly we ought not allow mining operators to claim at taxpayer expense as much acreage as the operators deem necessary for these waste piles that pose significant environmental problems. So the gentleman from West Virginia (Mr. RAHALL) won that issue on a 273 to 151 vote; we certainly ought to stand firm on it.

But perhaps the most important thing that we could do in conference would be to prevent the Senate from adding any number, a host of anti-environmental riders that they slipped in. They slipped them in without public review, overriding existing environmental protections, limited tribal sovereignty, and imposed unjustified micro-management restrictions on agency activities.

To think that this bill permanently extends expiring grazing permits nationwide on Bureau of Land Management lands without the environmental review required by current law, it delays the forest plans until final planning regulation of the public, thus preventing new science and sustainable forest practices from being incorporated into expiring forest plans.

It has a limitation on tribal self-determination; there is a permanent prohibition on grizzly bear reintroduction on Federal lands in Idaho and Montana that overturns a recent Federal Circuit Court of Appeals decision requiring Federal land management agencies to conduct wildlife surveys before amending land management plans; there is a limitation on the receipt of fair market value for oil from Federal lands; it delays for the fourth time the publication of final rules to establish fair market value.

Mr. Speaker, that alone costs the taxpayers $68 million, and the Senate just slips it in. There is a limitation on energy efficiency regulations in the Federal Government. These have been praised by everyone, and yet this Senate provision stops us from implementing that Federal energy efficiency regulation. There is delays for the Columbia Basin ecosystem plan, the Columbia River Gorge plan, mineral development in the Mark Twain National Forest that overrides Federal land managers' ability to act responsibly there.

There is a host of environmental riders. They are all anti-environmental riders. None of them should have been slipped in. We would not have allowed them on the House floor; we should not allow them in the conference.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), a very valued Member of this House.

Mr. BALDACCI. Mr. Speaker, I thank the ranking member for yielding me the time and his leadership on the committee, and in these efforts I request that we do vote yes on the Dicks motion to instruct the Interior conferees.

I would just like to take a moment to underline the importance of the arts and the humanities. There are a lot of parts of America and rural America and rural Maine that cannot afford some of the luxuries in major urban areas and throughout this country, and to have an organization like the National Endowment for the Arts and Humanities to be able to provide resources to rural communities so that he can have an advantage of the arts programs.

Arts education is shown to increase the SAT scores of young people by 50 to 60 points, and what people are finding out, that the arts are not just a side dish or an appetizer; but they are part of the main course and the main course of people throughout this country.

I would like to further underscore the importance of this instruction of conferees as it pertains to mining waste and on Federal lands and also in rejection of these anti-environmental riders that have been put forth.

We must approve this, must approve this now.

Mr. DICKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this motion, and I applaud the gentleman from Washington (Mr. DICKS) for offering it and for his successful efforts here in the House and then keeping the anti-environmental riders out of the House version of this bill.

I would like to speak about one specific rider that would prohibit the past in the Senate, that would prohibit the Department of Interior from implementing new rules to require oil companies to pay market price royalties to the American taxpayer on oil they drill on publicly owned Federal lands. Now they keep two sets of books, one that they pay each other market price, but when it comes to paying the Nation's school teachers, Indian tribes, Land and Water Conservation Fund, they want to pay less. Interior says this costs the American public $66 million a year, and I say let us let the money that is rightfully due America's schoolchildren and the public school system, let us let them pay the market price and not hurt the schoolchildren and pay themselves more. It is unfair; it is wrong.

Vote against the oil companies and for schoolchildren.

□ 1745

Mr. DICKEY. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER), who has been one of the leaders on environmental issues in the House and a former chairman of the Committee on Resources.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for

yielding me this time and appreciate his bringing this motion to the floor.

Mr. Speaker, we should clearly adopt the House position as reflected in the July vote earlier this year on the Rahall-Shays-Inslee amendment to the bill. House Members voted 273 to 151 in support of the amendment.

Mr. Speaker, those opposed would suggest somehow the solicitor in the Department of Interior simply woke up one day and tried to redefine an 1872 mining law to limit the number of acres that mining operations can claim as waste disposal. Nothing can be further from the truth.

The fact of the matter is that the law and the record on the law is replete with example after example, dealing from 1872 to 1891 to 1903 to 1940 to 1955 to 1960 to 1970 to 1974, time and again, time and again, in the writings of both people from the mining industry, from the government, and from interested parties, time and again the law is very clear on its face that the solicitor in his 1977 analysis is quite correct on mill-site provisions; and, in fact, that they were not to be allowed to be given additional land.

The reason they should not is that is we should not sponsor without very careful consideration the expansion of mill waste. This country is spending hundreds of millions of dollars, and is yet to spend additional hundreds of millions of dollars, cleaning up after the waste product of mines that have been developed across the country.

No longer is this some miner and his pick and shovel and his mule going out across the country. These are some of the biggest earth movers on the face of the earth that move hundreds and hundreds of tons of earth to get a single ounce, a single ounce, of gold. The mining that is done with the cyanide heap leaching must be carefully controlled, and those leach piles are there for the foreseeable future. Before we make a decision that they can simply spread those across all of the claims, this law ought to be upheld and we ought to continue to support the Rahall-Shays-Inslee amendment.

Mr. Speaker, I thank the gentleman for bringing this proposal to the House and ask for strong support of it.

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

Mr. Speaker, I just have one comment: The ranking minority member talked about the Congressional reforms, and I want to compliment Mr. Ivy and Mr. Ferris. I think they have tried to live up to these standards in the administration of their two agencies.

I would say to the gentleman from Maine (Mr. BALDACCI), you mentioned about the areas of lesser population, and we did recognize that in these standards, to get grants into the smaller communities across this country.

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

MODIFICATION TO MOTION OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I ask unanimous consent that the first section number in my motion read ''section 335'', not ''section 336.''

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Washington?

There was no objection.

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

Mr. Speaker, I want to thank the Members who spoke today. I think this was a spirited debate. I know the chairman and I both want to see us get a bill in a timely way that the President of the United States can sign. That means we are going to deal with these riders.

Mr. Speaker, I understand how strongly people feel about these issues. I have had problems with these in my own State. But I do believe that unless we narrow these dramatically, we are going to have a hard time getting this bill enacted.

I also rise in strong support of the National Endowment of the Arts and Humanities. I believe that they deserve this extra support. By the way, this very controversial project in Brooklyn has not received any funding from the National Endowment for the Arts. The museum has received support on other projects, but one of the things that the chairman, and I supported him on this, insisted on was a very specific description of what the money from the endowment is going to be used for. The money is not being used for this controversial project in New York. That shows that the reforms that we have put into place, in fact, are working.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this motion to instruct conferees, and ask unanimous consent to revise and extend my remarks.

By adopting this motion, the House will be giving its conferees a simple instruction—to do the right thing.

It is the right thing to reject the attempt of the other body to use the appropriations process to rewrite the mining laws in a piecemeal and unbalanced way, for the special benefit of certain interests. We do need to revise the 1872 mining law. But we shouldn't do it in a backdoor way that addresses only one aspect of the law and not the larger issues, including the basic question of whether the American people are receiving an adequate return for the development of minerals from our public lands.

It is also the right thing to adequately support the arts and humanities that are so important to the cultural life of our nation.

And it definitely is the right thing to reject attempts to use the appropriations process to undermine the protection of our environment.

So, I urge the adoption of this motion to instruct the conferees.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak on the motion to instruct conferees for the Interior Appropriations Bill. Earlier this summer, I offered my general support of H.R. 2466. H.R. 2466 appropriates a total of $14.1 billion in FY 2000 for Interior Appropriations. It is an overall fair and balanced bill and though it falls short of the administration's request it takes care of the national parks, Native Americans, cultural institutions, and museums. This bill is truly about preserving the legacy of this great land for America's children.

However, I want to voice my disappointment in the Appropriations Committee's funding recommendation for the National Endowment for the Arts (NEA) and the National Endowment for Humanities (NEH). I do appreciate the fact that the Committee tagged $98,000,000 for the National Endowment for the Arts. However, I still find the recommendation insufficient. The Administration requested $150,000,000, a full $52,000,000 more than the Appropriations' recommendation. This number is unsatisfactory given the importance of the arts. The NEA remains the single largest source of funding for the nonprofit arts in the United States, and this agency provides quality programs for families and children. Insufficient funding to the NEA results in collateral damage to praiseworthy arts, as well as to theaters such as the Alley Theater in Houston, Texas.

The Committee also underfunds the National Endowment for the Humanities at $110,700,000. At $39,300,000 below the Administration's request, the agency cannot continue to support education, research, document and artifact preservation, and public service to the humanities.

We spent much of this afternoon discussing federal funding for art. This debate was a waste of our time and a waste of our taxpayers time. We have a long tradition of support for the arts, beginning in 1817. The very art that adorns the U.S. Capitol came from federal funding. The private sector simply cannot provide adequate funding for our arts endeavor if enough federal funding is not established. Underfunding the arts would result in the loss of programs that have national purposes such as touring theater and dance companies, travelling museum exhibitions, and radio and television productions.

The NEA, in particular, also seeks to provide a new program, Challenge America, that establishes arts education, youth-at-risk programs, and community arts partnerships. Inner-city areas, especially minority groups and their children, would greatly benefit from this program, but the program is based upon the $150 million Administration request. Art is something that all can enjoy, and by providing adequate federal funding we can increase access to the arts for those who desire it the most.

I will note that the committee justly prioritized the needs of America's national parks, Native Americans, cultural institutions, and museums in this appropriations bill. I am pleased that this bill remains free of the environmental riders, which has plagued this process in the past.

This bill continues the Recreational Fee Demonstration Program allowing public lands to keep 100% of the fees. This will result in over $400 million of added revenue over the life of the demo program spent at collections sites. This revenue will address maintenance backlogs at several of America's historical locations.

One of America's greatest treasures is it cultural gifts provided to our nation by the diverse American melting pot. This bill begins

continues our efforts at preservation and education by providing $26 million to the Smithsonian and $3.5 million to our National Gallery.

In addition Mr. Chairman this bill address America's commitment to the Native American population. American Indian program increases include an additional $28.7 million for the Office of Special Trustee to begin to fix the long-standing problems with the management of Indian trust funds. It also provides an additional $13 million for operation of Indian schools and Tribal Community Colleges.

Mr. Chairman, I would like to address my colleagues concerning the Department of Energy's Oil/Gas R&D Program. This program oversees some 600 active research and development projects. Many of these projects are high risk and long range in scope and many are beyond the capabilities of the private sector. Without the government's commitment to sharing the risk it would be impossible for private companies to invest.

This program is the catalyst for the government's partnership with private industry. An investment in Fossil Energy R&D is truly an investment in America's future. This program has become the convenient whipping post when it is clear that this program is necessary to protect America's energy security.

I am also disappointed with the funding of the arts and humanities. I do appreciate the fact that the Committee tagged $98,000,000 for the National Endowment for the arts. Obviously, this amount of funding is a vast improvement over the $0 recommended prior to Committee recommendation. However, I still find the recommendation insufficient. The Administration requested $136,000,000, a full $38,000,000 more than the Appropriations recommendation. This number is unsatisfactory given the important of the arts. The NEA remains the single largest source of funding for the nonprofit arts in the United States, and this agency provides quality programs for families and children. Insufficient funding to the NEA results in collateral damage to praiseworthy arts, as well as to theaters such as the Alley Theater in Houston, Texas.

The Committee also underfunds the National Endowment for Humanities at $96,800,000. At $25,200,000 below the Administration's request, the agency cannot continue to support education, research, document and artifact preservation, and public service to the humanities.

I encourage my colleague to support H.R. 2466 a balanced appropriations bill for America's treasure.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The question was taken.

Mr. REGULA. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6 p.m.)

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 p.m.

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 and motion to instruct conferees 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:

House Resolution 181, by the yeas and nays;

H.R. 1451, by the yeas and nays;

Motion to instruct conferees on H.R. 2684, by the yeas and nays; and

Motion to instruct conferees on H.R. 2466, 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.

CONDEMNING KIDNAPPING AND MURDER BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC) OF THREE UNITED STATES CITIZENS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 181.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 181, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 470]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
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
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg

Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Berkley
Berman
Bliley
Blumenauer
Brown (FL)
Chenoweth-Hage
Doyle
Etheridge
Farr
Fowler
Goodlatte
Kennedy
McKinney
Meeks (NY)
Neal
Scarborough
Talent
Tauzin
Taylor (NC)
Towns

□ 1823

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. FOWLER. Mr. Speaker, on rollcall No. 470, I missed the vote due to medical reasons. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion on which the Chair has postponed further proceedings.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1451, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 1451, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 2, not voting 20, as follows:

[Roll No. 471]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—20

Berkley
Berman
Bliley
Blumenauer
Brown (FL)
Calvert
Chenoweth-Hage
Doyle
Etheridge
Farr
Fowler
Kennedy
McKinney
Meeks (NY)
Neal
Sanchez
Scarborough
Talent
Taylor (NC)
Towns

□ 1832

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.

A motion to reconsider was laid on the table.

Stated for:

Mrs. FOWLER. Mr. Speaker, on rollcall No. 471, I missed the vote due to medical reasons. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcalls No. 470 and 471, I was unavoidably detained. Had I been present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. MOLLOHAN

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of agreeing to the motion to instruct on the bill (H.R. 2684) making

appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, offered by the gentleman from West Virginia (Mr. MOLLOHAN), on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from West Virginia (Mr. MOLLOHAN).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 306, nays 113, not voting 14, as follows:

[Roll No. 472]

YEAS—306

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—113

Archer
Armey
Barr
Barrett (NE)
Barton
Bilirakis
Boehner
Bonilla
Bryant
Burr
Burton
Buyer
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cubin
Cunningham
DeLay
DeMint
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Fossella
Goode
Goodlatte
Goodling
Green (WI)
Gutknecht
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
LaHood
Largent
Latham
Linder
Manzullo
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pitts
Pombo
Pryce (OH)
Radanovich
Ramstad
Roemer
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Young (FL)

NOT VOTING—14

Berman
Bliley
Blumenauer
Brown (FL)
Chenoweth-Hage
Doyle
Etheridge
Farr
McKinney
Meeks (NY)
Neal
Scarborough
Taylor (NC)
Towns

□ 1841

Messrs. KASICH, PACKARD, and BARTON of Texas changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WALSH, DELAY, HOBSON, KNOLLENBERG, FRELINGHUYSEN, WICKER, Mrs. NORTHUP, Messrs. SUNUNU, YOUNG of Florida, and MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, and Messrs. PRICE of North Carolina, CRAMER and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

MOTION TO INSTRUCT OFFERED BY MR. DICKS

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, offered by the gentleman from Washington (Mr. DICKS), on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 199, not voting 16, as follows:

[Roll No. 473]

YEAS—218

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bilbray
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn

Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NAYS—199

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—16

Berman
Bliley
Blumenauer
Brown (FL)
Chenoweth-Hage
Dingell
Doyle
Etheridge
Farr
McKinney
Meeks (NY)
Neal
Oxley
Scarborough
Taylor (NC)
Towns

□ 1850

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. PEASE). 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 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 8 o'clock and 15 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. REGULA, KOLBE, SKEEN, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, CRAMER, HINCHEY, and Mr. OBEY.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

The SPEAKER pro tempore. Without objection, and pursuant to Section 301 of Public Law 104–1, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the majority and minority leaders of the United States Senate their joint appointment of each of the following individuals to a 5-year term to the board of directors to the Office of Compliance:

Mr. Alan V. Friedman, California;

Ms. Susan S. Robfogel, New York;

Ms. Barbara Childs Wallace, Mississippi.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.''

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LOCAL ACCESS TO SATELLITE RECEPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, as my colleagues know, my district is a rural district in the State of Colorado, the Third Congressional District of Colorado. That congressional district actually is geographically larger than the State of Florida.

I can tell my colleagues, it is very important out there in the rural areas of Colorado, as it is through most of the rural areas in the United States, that we have TV reception. We have become very dependent of late upon satellite reception. As many of my colleagues know, for the last 11 or so years, local access has been banned through satellite.

Well, we are about to change that. We passed a bill out of the House. The Senate has passed a bill. I have good news tonight for those of my colleagues who have constituents who use satellite service for local access. Things are about to change.

The conference committee I think is making good progress. I hope that, in the next 3 to 4 weeks, the satellite users, including many of my constituents in the State of Colorado, will once again have an opportunity for local access.

EXHIBIT AT BROOKLYN MUSEUM OF ART

Mr. MCINNIS. The second point I wish to address this evening, Mr. Speaker, is the art exhibit in New York City, the Brooklyn Art Museum. I made some comments about that last week. I am amazed how over the weekend the media has been very successful in tying the exhibit, and I will tell my colleagues exactly what it is, a portrait of the Virgin Mary with crap thrown all over it, to be quite blunt with you. They have made this controversy in New York City as if it is a controversy between the freedom of speech under the Constitutional amendment and people who were offended by the art.

That is not the controversy at all. The controversy in New York City in that museum is that the taxpayers of the United States of America are being asked to pay for this art exhibit at the Brooklyn Museum.

Now, do my colleagues think it is appropriate for someone who is a taxpayer, who is a hard-working American, who is a Catholic to go out and take their taxpayer money to pay for a portrait to be exhibited of the Virgin Mary with crap thrown all over it? Of course it is not. It is as offensive to the Catholics as it is displaying a Nazi symbol by taxpayer dollars would be to the Jewish community, or as it would be of putting a portrait of Martin Luther King with crap thrown all over it to the black community.

It is out of place. It is unjustified. And it is totally, totally inappropriate for the use of taxpayers' dollars for that kind of art.

Now, that is not an issue of the first amendment. Nobody has said that they cannot display that type of art, although, frankly, I think they are somewhat sick in the mind when they do. But no one has said that they are banned from displaying that type of art.

Instead, what we have said is they should not use taxpayers' dollars to fund that kind of art. This museum, with a great deal of pride, had their first showing this weekend; and today they announced with great excitement, and I hope it makes my liberal Democrats happy, they announced with great excitement how successful that show is.

Well, in their hearts, they know it is wrong. They know it is wrong to do what they have done with taxpayer dollars. And in the end, we will win. We will keep the rights under the First Amendment and we will disallow taxpayer dollars from being used for that kind of art exhibit in New York City.

I hope my colleagues reconsider, but I know that their egos probably will not. So I hope that all my colleagues and their constituents remember that they do not have to and they should not be forced to pay with taxpayer dollars an art exhibit such as the one displaying the Virgin Mary with crap thrown all over it. Our country is greater than that, and our country stands for a lot more than that.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 764, CHILD ABUSE PREVENTION AND ENFORCEMENT ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–363) on the resolution (H. Res. 321) providing for consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

COMMUNICATION FROM THE COMMITTEE ON THE BUDGET: REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS PURSUANT TO HOUSE REPORT 106–288

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–288 to reflect $8,699,000,000 in additional new budget authority and $8,282,000,000 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $551,899,000,000 in budget authority and $590,760,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 1906, the conference report accompanying the bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2000, includes $8,699,000,000 in budget authority and $8,282,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

Questions may be directed to Art Sauer or Jim Bates at x6–7270.

HEALTH CARE REFORM: TREAT THE CAUSE, NOT THE SYMPTOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, as an M.D. I know that when I advise on medical legislation that I may be tempted to allow my emotional experience as a physician to influence my views. But, nevertheless, I am acting the role as legislator and politician.

The M.D. degree grants no wisdom as to the correct solution to our managed-care mess. The most efficient manner to deliver medical services, as it is with all goods and services, is determined by the degree the market is allowed to operate. Economic principles determine efficiencies of markets, even the medical care market, not our emotional experiences dealing with managed care.

Contrary to the claims of many advocates of increased government regulation of health care, the problems with the health care system do not represent market failure. Rather, they represent the failure of government policies which have destroyed the health care market.

In today's system, it appears on the surface that the interest of the patient is in conflict with the rights of the insurance companies and the Health Maintenance Organizations. In a free market, this cannot happen. Everyone's rights are equal and agreements on delivering services of any kind are entered into voluntarily, thus satisfying both sides.

Only true competition assures that the consumer gets the best deal at the best price possible by putting pressure on the providers. Once one side is given a legislative advantage in an artificial system, as it is in managed care, trying to balance government-dictated advantages between patient and HMOs is impossible. The differences cannot be reconciled by more government mandates, which will only make the problem worse. Because we are trying to patch up an unworkable system, the impasse in Congress should not be a surprise.

No one can take a back seat to me regarding the disdain I hold for the HMO's role in managed care. This entire unnecessary level of corporatism that rakes off profits and undermines care is a creature of government interference in health care. These non-market institutions and government could have only gained control over medical care through a collusion through organized medicine, politicians, and the HMO profiteers in an effort to provide universal health care. No one suggests that we should have universal food, housing, TV, computer and automobile programs; and yet, many of the poor do much better getting these services through the marketplace as prices are driven down through competition.

We all should become suspicious when it is declared we need a new Bill of Rights, such as a taxpayers' bill of rights, or now a patients' bill of rights. Why do more Members not ask why the original Bill of Rights is not adequate in protecting all rights and enabling the market to provide all services? If over the last 50 years we had had a lot more respect for property rights, voluntary contracts, State jurisdiction, and respect for free markets, we would not have the mess we are facing today in providing medical care.

The power of special interests influencing government policy has brought us to this managed-care monster. If we pursued a course of more government management in an effort to balance things, we are destined to make the system much worse. If government mismanagement in an area that the Government should not be managing at all is the problem, another level of bureaucracy, no matter how well intended, cannot be helpful. The law of unintended consequences will prevail and the principle of government control over providing a service will be further entrenched in the Nation's psyche. The choice in actuality is government-provided medical care and its inevitable mismanagement or medical care provided by a market economy.

Partial government involvement is not possible. It inevitably leads to total government control. Plans for all the so-called patients' bill of rights are 100 percent endorsement of a principle of government management and will greatly expand government involvement even if the intention is to limit government management of the health

care system to the extent necessary to curtail the abuses of the HMO.

The patients' bill of rights concept is based on the same principles that have given us the mess we have today. Doctors are unhappy. HMOs are being attacked for the wrong reasons. And the patients have become a political football over which all sides demagogue.

The problems started early on when the medical profession, combined with the tax code provisions making it more advantageous for individuals to obtain first-dollar health care coverage from third parties rather than pay for health care services out of their own pockets, influenced the insurance industry into paying for medical services instead of sticking with the insurance principle of paying for major illnesses and accidents for which actuarial estimates could be made.

A younger, healthier and growing population was easily able to afford the fees required to generously care for the sick. Doctors, patients and insurance companies all loved the benefits until the generous third-party payment system was discovered to be closer to a Ponzi scheme than true insurance. The elderly started living longer, and medical care became more sophisticated, demands increased because benefits were generous and insurance costs were moderate until the demographics changed with fewer young people working to accommodate a growing elderly population—just as we see the problem developing with Social Security. At the same time governments at all levels became much more involved in mandating health care for more and more groups.

Even with the distortions introduced by the tax code, the markets could have still sorted this all out, but in the 1960s government entered the process and applied post office principles to the delivery of medical care with predictable results. The more the government got involved the greater the distortion. Initially there was little resistance since payments were generous and services were rarely restricted. Doctors like being paid adequately for services than in the past were done at discount or for free. Medical centers, always willing to receive charity patients for teaching purposes in the past liked this newfound largesse by being paid by the government for their services. This in itself added huge costs to the nation's medical bill and the incentive for patients to economize was eroded. Stories of emergency room abuse are notorious since ''no one can be turned away.''

Artificial and generous payments of any service, especially medical, produces a well-known cycle. The increased benefits at little or no cost to the patient leads to an increase in demand and removes the incentive to economize. Higher demands raises prices for doctor fees, labs, and hospitals; and as long as the payments are high the patients and doctors don't complain. Then it is discovered the insurance companies, HMOs, and government can't afford to pay the bills and demand price controls. Thus, third-party payments leads to rationing of care; limiting choice of doctors, deciding on lab tests, length of stay in the hospital, and choosing the particular disease and conditions that can be treated as HMOs and the government, who are the payers, start making key medical decisions. Because HMOs make mistakes and their budgets are limited however, doesn't justify introducing the notion that politicians are better able to make these decisions than the HMOs. Forcing HMOs and insurance companies to do as the politicians say regardless of the insurance policy agreed upon will lead to higher costs, less availability of services and calls for another round of government intervention.

For anyone understanding economics, the results are predictable: Quality of medical care will decline, services will be hard to find, and the three groups, patients, doctors and HMOs will blame each other for the problems, pitting patients against HMOs and government, doctors against the HMOs, the HMOs against the patient, the HMOs against the doctor and the result will be the destruction of the cherished doctor-patient relationship. That's where we are today and unless we recognize the nature of the problem Congress will make things worse. More government meddling surely will not help.

Of course, in a truly free market, HMOs and pre-paid care could and would exist—there would be no prohibition against it. The Kaiser system was not exactly a creature of the government as is the current unnatural HMO-government-created chaos we have today. The current HMO mess is a result of our government interference through the ERISA laws, tax laws, labor laws, and the incentive by many in this country to socialize medicine ''American style'', that is the inclusion of a corporate level of management to rake off profits while draining care from the patients. The more government assumed the role of paying for services the more pressure there has been to managed care.

The contest now, unfortunately, is not between free market health care and nationalized health care but rather between those who believe they speak for the patient and those believing they must protect the rights of corporations to manage their affairs as prudently as possible. Since the system is artificial there is no right side of this argument and only political forces between the special interests are at work. This is the fundamental reason why a resolution that is fair to both sides has been so difficult. Only the free market protects the rights of all persons involved and it is only this system that can provide the best care for the greatest number. Equality in medical care services can be achieved only by lowering standards for everyone. Veterans hospital and Medicaid patients have notoriously suffered from poor care compared to private patients, yet, rather than debating introducing consumer control and competition into those programs, we're debating how fast to move toward a system where the quality of medicine for everyone will be achieved at the lowest standards.

Since the problem with our medical system has not been correctly identified in Washington the odds of any benefits coming from the current debates are remote. It looks like we will make things worse by politicians believing they can manage care better than the HMO's when both sides are incapable of such a feat.

Excessive litigation has significantly contributed to the ongoing medical care crisis. Greedy trial lawyers are certainly part of problem but there is more to it than that. Our legislative bodies throughout the country are greatly influenced by trial lawyers and this has been significant. But nevertheless people do sue, and juries make awards that qualify as ''cruel and unusual punishment'' for some who were barely involved in the care of the patient now suing. The welfare ethic of ''something for nothing'' developed over the past 30 to 40 years has played a role in this serious problem. This has allowed judges and juries to sympathize with unfortunate outcomes, not related to malpractice and to place the responsibility on those most able to pay rather than on the ones most responsible. This distorted view of dispensing justice must someday be addressed or it will continue to contribute to the deterioration of medical care. Difficult medical cases will not be undertaken if outcome is the only determining factor in deciding lawsuits. Federal legislation prohibiting state tort law reform cannot be the answer. Certainly contractual arrangements between patients and doctors allowing specified damage clauses and agreeing on arbitration panels would be a big help. State-level ''loser pays'' laws, which discourage frivolous and nuisance lawsuits, would also be a help.

In addition to a welfare mentality many have developed a lottery jackpot mentality and hope for a big win through a ''lucky'' lawsuit. Fraudulent lawsuits against insurance companies now are an epidemic, with individuals feigning injuries in order to receive compensation. To find moral solutions to our problems in a nation devoid of moral standards is difficult. But the litigation epidemic could be ended if we accepted the principle of the right of contract. Doctors and hospitals could sign agreements with patients to settle complaints before they happen. Limits could be set and arbitration boards could be agreed upon prior to the fact. Limiting liability to actual negligence was once automatically accepted by our society and only recently has this changed to receiving huge awards for pain and suffering, emotional distress and huge punitive damages unrelated to actual malpractice or negligence. Legalizing contracts between patients and doctors and hospitals would be a big help in keeping down the defensive medical costs that fuel the legal cost of medical care.

Because the market in medicine has been grossly distorted by government and artificially managed care, it is the only industry where computer technology adds to the cost of the service instead of lowering it as it does in every other industry. Managed care cannot work. Government management of the computer industry was not required to produce great services at great prices for the masses of people. Whether it is services in the computer industry or health care all services are best delivered in the economy ruled by market forces, voluntary contracts and the absence of government interference.

Mixing the concept of rights with the delivery of services is dangerous. The whole notion that patient's ''rights'' can be enhanced by more edicts by the federal government is preposterous. Providing free medication to one segment of the population for political gain without mentioning the cost is passed on to another segment is dishonest. Besides, it only compounds the problem, further separating medical services from any market force and yielding to the force of the tax man and the bureaucrat. No place in history have we seen medical care standards improve with nationalizing its delivery system. Yet, the only debate here in Washington is how fast should we proceed with the government takeover. People

have no more right to medical care than they have a right to steal your car because they are in need of it. If there was no evidence that freedom did not enhance everyone's well being I could understand the desire to help others through coercive means. But delivering medical care through government coercion means not only diminishing the quality of care, it undermines the principles of liberty. Fortunately, a system that strives to provide maximum freedom for its citizens, also supports the highest achievable standard of living for the greatest number, and that includes the best medical care.

Instead of the continual demagoguery of the issue for political benefits on both sides of the debate, we ought to consider getting rid of the laws that created this medical management crisis.

The ERISA law requiring businesses to provide particular programs for their employees should be repealed. The tax codes should give equal tax treatment to everyone whether working for a large corporation, small business, or is self employed. Standards should be set by insurance companies, doctors, patients, and HMOs working out differences through voluntary contracts. For years it was known that some insurance policies excluded certain care and this was known up front and was considered an acceptable provision since it allowed certain patients to receive discounts. The federal government should defer to state governments to deal with the litigation crisis and the need for contract legislation between patients and medical providers. Health care providers should be free to combine their efforts to negotiate effectively with HMOs and insurance companies without running afoul of federal anti-trust laws—or being subject to regulation by the National Labor Relations Board (NLRB). Congress should also remove all federally-imposed roadblocks to making pharmaceuticals available to physicians and patients. Government regulations are a major reason why many Americans find it difficult to afford prescription medicines. It is time to end the days when Americans suffer because the Food and Drug Administration (FDA) prevented them from getting access to medicines that where available and affordable in other parts of the world!

The most important thing Congress can do is to get market forces operating immediately by making Medical Savings Accounts (MSAs) generously available to everyone desiring one. Patient motivation to save and shop would be a major force to reduce cost, as physicians would once again negotiate fees downward with patients—unlike today where the government reimbursement is never too high and hospital and MD bills are always at maximum levels allowed. MSAs would help satisfy the American's people's desire to control their own health care and provide incentives for consumers to take more responsibility for their care.

There is nothing wrong with charity hospitals and possibly the churches once again providing care for the needy rather than through government paid programs which only maximizes costs. States can continue to introduce competition by allowing various trained individuals to provide the services that once were only provided by licensed MDs. We don't have to continue down the path of socialized medical care, especially in America where free markets have provided so much for so many. We should have more faith in freedom and more fear of the politician and bureaucrat who think all can be made well by simply passing a Patient's Bill of Rights.

□ 2030

CONGRATULATIONS TO HOUSTON ASTROS AS THEY BID FAREWELL TO THE ASTRODOME, THE EIGHTH WONDER OF THE WORLD

The SPEAKER pro tempore (Mr. PEASE). 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, we have very serious matters to attend to in the United States Congress, but I thought with all the joy that we experienced in Texas in the Eighth Wonder of the World yesterday, the Astrodome in Houston, Texas, that I wanted to share the excitement, the history with my colleagues.

I want to pay special tribute to the Astros team that overcame all kinds of injuries and trials and tribulations to win their division. Then I would like to pay tribute to Larry Dierker who suffered a debilitating illness early on in the season, yet he came back to lead his team to victory and I might say, this might be the year that the Astros go straight on into the World Series.

This is the final sunset on the Astrodome. Born in 1965, noted as the Eighth Wonder of the World, the largest indoor stadium. We call it the ''mosquito-ridden-free'' stadium in Houston, Texas. No sun, no heat, no rain, but good baseball and good fun. We have enjoyed the 35 years that we have had the pleasure to utilize the Astrodome and all of the hard workers who have made the pleasure of the fans their first priority.

We appreciate Drayton McLane who came in and bought the Astros and made sure that they stayed in Houston. I want to say to all the old-timers, though I will not call them that, those who had season tickets for 35 years, we thank you, too, for you were committed, you were loyal, and you were strong. Through the ups and downs of our Astros, you stood fast. All the joy that was given to the young people, the children who would come to the baseball game and enjoy the time with their parents.

Baseball tickets traditionally have been the most reasonable tickets of all sports in America. It is America's pastime, yes, along with so many other sports like basketball and soccer now and football, but one thing about baseball, you could always see family members coming together with their young children. I am reminded of the time that I would go with my aunt and uncle. It was a very special time to go to a baseball game.

So my hat is off to the Astros and the Astro family, to Houston and all of those, including Judge Roy Hofheinz, the mayor of the City of Houston who had the vision in 1965 to build this enormous entity that most people thought, how in the world could you build something with a price tag of $31 million? I think most of us would like to build stadiums today for $31 million.

Mr. Speaker, this is just a simple tribute to all those hardworking souls that made the Astros games so much fun and made the Astrodome the Eighth Wonder of the World where so many people enjoyed the opportunity to be there, not only for baseball but so many other activities and conventions and meetings. We are just grateful for the facility, and I guess what you would say is, it is off into the sunset.

But do not worry, the Astrodome will be there for others to enjoy for many years to go as we move downtown to the new Astros stadium called Enron Field located in my district, the 18th Congressional District. Hats off to the Astros, congratulations, and I will see you in the World Series.

TRIBUTE TO FIRST RESPONDERS, THE NATION'S FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, back in 1992, Congress passed legislation to allow and establish a national memorial for fallen firefighters. Yesterday up in Emmitsburg, Maryland, we had such a ceremony. This past year, 95 firefighters in the United States lost their lives in the line of duty. I think this Congress, this Nation, owes these individuals, the Americans that have fallen in the line of duty before them and certainly every first responder in this country, a debt of gratitude, a vote of thanks. Protecting public safety and public property is a brave calling. We certainly should as a Congress thank those individuals for the great job they did. Yesterday up in Emmitsburg it was a day of remembrance but it was also a day of celebration, because these individuals contributed so much in the spirit of honor and duty. I am a strong believer that everyone should be a supporter of their community, should try in some way to make their individual communities a little bit better by contributing, by being in public service, by being on the fund-raising committee, contributing an effort to help others when they need help.

It seems to me that cynicism has just spread too far across this country and there are too many that now consider duty and honor to be just words, relics of the past. But these men and women, our first responders, our police, and firemen especially in yesterday's dedication, they believed in duty, they believed in commitment, they believed in community. And certainly these qualities in first responders across the Nation deserve more support from this Congress.

Now, we call them first responders because, and I will give a couple of examples. When we turned on our television last spring to the terrifying situation at Columbine High School, who did we see on that television set? It was the first responders that got there first. The firefighters were there first. Whether it is wildfires or earthquakes or tornadoes or fires of unimaginable danger and stress, or when it is a beloved kitten going up a tree or when you need help for a fund-raising in the community, it is these firefighters that are there, they are willing to make the difference, they are willing to give their time and the effort.

We have got 32,000 fire departments in the United States. We have got 103 million first responders. Eighty percent of those first responders are volunteers, volunteers that go and risk their lives to protect lives and safety and support their community. I think they embody the beliefs of the founders of our country who were deeply committed to the idea that the individual had an obligation to the community, that our country needed its domestic defenders, our firefighters, our first responders, every bit as much as it needed a national defense.

Our thanks certainly should go out not only to these firefighters but their loved ones who experienced the tremendous effort, the sacrifice that these firefighters have made for their communities. Stories where firefighters made the difference are in almost every home and every community. They are certainly in my home where the firefighters came to my farm and saved not only property but the lives of a lot of my cattle on that farm. As far as I am concerned, they are the champions we can never fully thank, and speeches like this speech tonight or speeches up in Emmitsburg never are going to be adequate enough to thank those individuals that made that kind of sacrifice.

If there is any lesson that we can take, Mr. Speaker, as Americans from those in our communities that contribute so much, to make sure that we also make an effort to their memory to try to do our duty in helping others, in helping our community, in trying to do something to make our communities better and help the lives of the people that we know a little better, that is what we should do.

NORTH CAROLINA RECOVERS FROM HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Among all the death, destruction and despair that has been visited upon the people of North Carolina as a result of Hurricane Floyd, there are many bright spots. This evening, I would like to acknowledge some of those who have given of themselves and their resources to this vital cause.

There are many deserving people who have helped North Carolina in the aftermath of Hurricane Floyd. I want to thank President Clinton for adding $20.3 million in low-income energy assistance funds to his original extended relief package of $528 million. Thank you, Mr. President. I wish to thank my colleagues, Representatives from the neighboring States, who have banned together to support the victims of this disaster. A special thank you to the director of FEMA, Mr. Witt; and to our governor, Mr. James Hunt, of North Carolina and their staffs for working around the clock to rescue and relieve North Carolina residents.

Some 52,000 citizens have called FEMA now seeking assistance, and Governor Hunt has had to deal with many more. Thank you, Mr. Witt and Governor Hunt, for your dedication to those in need.

I wish to take a minute to thank the Red Cross and the Salvation Army for their special help. The Red Cross opened many shelters. The Salvation Army provided mobile kitchens. And we appreciate the efforts of FEMA to provide meals ready to eat, ice, blankets, water and emergency generators. We also appreciate the hundreds of individuals in local communities, neighbors and citizens who have helped and are helping out continuously. And we appreciate the outpouring of support and resources from across the Nation. Truckloads from Baltimore, busloads from Washington, D.C.; students from North Carolina colleges, churches from far and wide, citizens of every hue, every stripe, every background, all Americans, helping out.

I know of heroic rescue efforts of people, farm animals and pets conducted by neighbors, local fire departments as the gentleman from Michigan (Mr. SMITH) just mentioned, state police officers and their staffs. I wish to commend them all for their dedicated service.

A ray of sunshine was seen in North Carolina today. Today, October 4, 1999, schools reopened for thousands of North Carolina students. This is a big step forward in the long, painful attempt to return to normalcy after Hurricane Floyd. Tarboro High School in devastated Tarboro opened school today and about 60 percent of the students looked forward to attending school. I am grateful to all who have made the small routine tasks like attending school become a reality after so many days of fear and flooding. I am very grateful for those North Carolina children of our great Nation who strived hard to reestablish their daily routines and attend school today, perhaps under continuing family hardships.

I am very thankful for the county school teachers, principals, and maintenance workers that made reopening schools in North Carolina one of their top priorities. I am appreciative of the State emergency workers who worked with Federal agencies, FEMA, and my district office staff in Greenville and Norlina, many of them affected by the hurricane themselves but who put the welfare of others first. These public servants have worked long and hard hours to help clean up the communities and find food and shelter for the needy, and worked long hours to keep North Carolina afloat when it looked as though it was sinking.

I am especially thankful for the deep-spirited North Carolina people who have shared with me in letters and phone calls and private visits their willingness to share with their neighbors. Some folks have said they look forward to rebuilding their communities with hard work and the cooperation of others. Even a disaster of this magnitude will not hold North Carolina back.

Again, I sincerely thank all for so much outpouring of goods, donated food, clothes, contributions and, most of all, the volunteerism of time through the local community churches, their congregations in North Carolina and every other State in the United States. All have been terrific. I have never been so proud of my State's people or to be an American as now during this time of crisis.

Most of all, I want to thank all who have helped, for giving us hope to rebuild North Carolina, places like Princeville, Tarboro, Kinston, Goldsboro, Pinetops and Greenville back into the great places they were. Thank you all.

Yet much more help is needed and support. That is why, Mr. Speaker, I intend to join with Members of Congress from other impacted States to try to send a legislative package for further relief to the President for signing. As a part of that package, we need to update the laws so that small farmers and small businesspersons can be treated on an equal footing with other families. We will also need more resources, and that will also be a part of the legislative package.

Tomorrow, we will consider a resolution offering our colleagues an opportunity to go on record as willing to help and provide the necessary resources to make a difference. The people of North Carolina are resilient, and we will bounce back from the situation. But we will need the help of all Americans.

The winds will go, the rain will go, the rivers will crest, the cleanup will begin, and the restoration and rebuilding will take place. The spirit of North Carolina will return, Mr. Speaker, with your help and the help of our Colleagues.

□ 2045

THE IMPORTANCE OF INCREASING FUNDING FOR HIV/AIDS RESEARCH, TREATMENT AND PREVENTION IN MINORITY COMMUNITIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the

gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 30 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, I have often said on previous occasions when I have come to the floor that one of the greatest challenges facing this Nation is closing the gap in health care between our white population and our communities of color. It is this that the Congressional Black Caucus and the Health Brain Trust would address through its HIV state of emergency because, you see, HIV/AIDS, although it is very important to the welfare of our communities, is only the tip of the iceberg.

The underlying problem is really the two-tiered health care delivery system that does not address the barriers to health but exists for African Americans, Hispanics, Asian/Pacific Islanders, Native Americans, and Native Hawaiians and Alaskans. Although the White House and the Department have been listening and have begun to respond to the call of the caucus to action, Mr. Speaker, we still have a long way to go, primarily because this body, the Congress, has not become fully engaged in the process.

That is why we are here this evening, my colleagues and I, to raise the level of awareness to the disparities in health care, to provide information on the breadth of the gaps and to enlist our colleagues' assistance and support for our efforts to have health care and community development dollars be applied to this very grave problem which threatens the promise of this Nation in the next century.

Mr. Speaker, I am joined here by several of my colleagues, and I would like to begin by yielding to the gentlewoman from the 17th Congressional District of Florida (Mrs. MEEK).

Mrs. MEEK of Florida. I thank my colleague, and I am pleased to join with the gentlewoman from the Virgin Islands. She has nobly shown in her endeavor as chairlady of the Congressional Black Caucus' Health Task Force that she has the unique ability to mobilize and to organize and push us forward into the new millennium. It is a time for such leadership, as the gentlewoman from the Virgin Islands has shown us, and I am thankful for her leadership. She is calling us here today to push very strongly for the full funding of the Congressional Black Caucus' emergency public health initiative on HIV/AIDS for the fiscal year 2000.

Mr. Speaker, we cannot talk enough about this initiative; it is so needed. If we do not take care of the health care needs of the minorities, the health care needs of the majority will certainly be under strain, as it already is. The $349 million the Congressional Black Caucus has requested is targeted proportionately to African Americans, Hispanics, Latinos, Asian/Pacific Islanders and Native American communities based on epidemiological data released by the Center of Disease Control. So the CBC is trying its very best to target the funds where the real need is.

Mr. Speaker, these dollars will build upon the success of the 156 million requested for HIV/AIDS prevention in minority communities in fiscal year 1999. We thank the Congress for that allocation, but it is not enough. Although welcome, it is not nearly enough to combat the devastating effects of the AIDS epidemic in our community. African Americans and other minorities continue to suffer dramatically higher rates of disease and death, long-term rates of illnesses from treatable diseases than other segments of the general population; again, I quote, putting the money where the real need is so that it will overcome the disparities in our health system.

Our Nation spends over $7 billion for HIV treatment and prevention and control; but listen to this, Mr. Speaker: but only $156 million is specifically targeted to minority communities. I repeat that. We spend over $7 billion in this country for HIV treatment and prevention and control, but only $156 million is specifically targeted to minority communities which now account for more than 48 percent of those infected by the disease. That is a mere 2 percent of impact. Surely steps must be taken and effective measures must be put into place to ensure that resources follow the trend of the disease across all segments of the U.S. population.

That is why my colleague, the gentlewoman from the Virgin Islands, called this special order. Man's inhumanity to man is based on the color of one's skin is untrue. Man's inhumanity to man is not based on the color of one's skin, and any kind of treatment in this country cannot ignore the fact that we are all in this situation together. A minimum of $349 million should be appropriated in fiscal year 2000 to address this health emergency in communities of color. This is a health emergency.

I want to thank the rest of my colleagues here, but I want to end by saying, we cannot continue to suffer these dramatic increases and this higher rate of mortality from death and disease and long-term rates of illnesses from diseases that are treatable. These diseases are treatable, and we cannot continue this disfunction different from other segments of the population. As we prepare now our wonderful Nation to enter the new millennium, this negative health status must not continue, must not continue, and we cannot continue to ignore it.

Man's inhumanity to man, I spoke of before, but we must cease because of the color of one's skin. These diseases, they are no respecter of persons. So we must spend the amount of money it takes to be sure it is treated. The Secretary of Health and Human Services must begin to implement the recommendations stemming from the Institution of Medicine's body of cancer studies in communities of color.

The Office of Minority Health must be funded. $5 million or more must be appropriated for demonstration projects to ensure that minority seniors understand how to navigate the complicated health system. Clearly, Mr. Speaker, clearly my colleagues in the Congress, the time has come for us to act. Epidemiological data is there. All we need is a thrust by this Congress to free the proportion of African Americans who suffer now in the United States three times in proportion to African Americans in the population.

Of the 48,266 AIDS cases reported in 1998, African Americans accounted for a very high and alarming statistic. Forty-five percent of the total cases, 40 percent of the cases in men, 62 percent of the cases in women, 62 percent of the cases in children. So the Americans reported with AIDS through December 1998, 30 percent were black and 18 percent were Hispanic Latino.

Mr. Speaker and to the Congress, the time to act is now.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for her work both in her home State and in the Nation, not only HIV/AIDS, but other important issues of health care for African Americans and other people of color and also for doing the annual legislative conference of the caucus reminding us that AIDS knows no age barriers and that seniors are also affected by this dread disease.

Mr. Speaker, I yield to the gentleman from the Seventh Congressional District of Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to commend my colleague from the Virgin Islands for, first of all, organizing this important special order to discuss the importance of increasing funding for HIV/AIDS research, treatment and prevention in minority communities. Her performance has been stellar as she has led the Congressional Black Caucus Brain Trust and as she continues to lead us towards finding a way to make sure that there is equity in health care services and treatment for all of America.

I have joined with my colleagues in the Congressional Black Caucus in urging a minimum of $349 million in HIV/AIDS to address the pending health crisis in communities of color. Today we are experiencing vast economic prosperity. These are said to be the best of economic times since the 1970's. Unfortunately, as our prosperity has increased, so too have our disparities in health care.

It is, to quote a phrase from Dickens, the best of times and the worst of times. Economic prosperity is up, but so too is the number of uninsured in America, rising from 43 million to a total of 44 million today. In communities of color we see vast disparities and gaps in health care. African Americans represent 13 percent of the population but account for 49 percent of

AIDS deaths and 48 percent of AIDS cases in 1998. One in 50 African American men and one in 160 African American women are infected with HIV. In 1997, 45 percent of the AIDS cases diagnosed that year were among African Americans as compared to 33 percent among whites. AIDS is the leading cause of death for all United States males between the ages of 25 and 44 and for African American males between the ages of 15 and 44.

These are valuable years not only in the lives of these individuals but for all of America. When we do not act to provide for research, treatment, education and prevention strategies, America loses. America loses young, vibrant taxpayers. America loses great minds and workers. If we do not address this epidemic, it can have dramatic consequences on our economy and our ability to compete globally.

While deaths from HIV/AIDS diseases have been reduced over the last 3 years due to advances in drug therapies, we have not seen a dramatic reduction in communities of color. The Centers For Disease Control reported that the AIDS death rate dropped 30 percent for whites, the majority of whom had access to new drug therapies, but found only 10 percent for African Americans and 16 percent for all Hispanics. It is no doubt that the $156 million provided by the Congress last year has assisted in our efforts; however, more resources are needed.

In Chicago we have witnessed a rise in the number of HIV cases. For example, reported cases of HIV/AIDS among African Americans in Chicago increased from 46 percent in 1990 to 68 percent in 1997. AIDS is the major cause of death for African American men in Chicago ages 15 to 24, the second leading cause of death for Chicago's African American men ages 5 to 34, and the third leading cause of death for African Americans in Chicago males aged 35 to 44.

In addition, the proportion of AIDS cases in Chicago occurring among women tripled from 7 percent in 1998 to 22 percent in 1997. African American women represent about 39 percent of the Chicago's women, and they account for almost 70 percent of the cumulative AIDS cases among women in that city.

This is truly an emergency, and it warrants the attention and resources of the Federal Government. As we head into the new millennium, it is essential that we increase not only aid but also education and information. It is essential that we provide resources so that people can understand transmission and be educated which becomes a real factor in reducing the advent and onset of this terrible illness.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the gentleman from Illinois for his support on the Health Brain Trust of the Congressional Black Caucus and for his work especially with the community health centers across this Nation. As my colleagues know, Mr. Speaker, community health centers are where most of the people of color, the communities that we are talking about this evening, receive their care; and I want to thank the gentleman from Illinois (Mr. DAVIS) for his hard work and seeing that these health centers are adequately funded to provide those services.

Next, Mr. Speaker, I yield to my colleague from the 37th District of California (Ms. MILLENDER-MCDONALD).

□ 2100

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her steadfast commitment and leadership to this very critical, but important, issue in the African American community, the Latino community, the Asian community, and all communities of color. She has not only shown leadership in this area, but in all areas on health issues as they relate to people of color. She has brought about an inclusion, and that is evident, of the 39 African American Members of Congress who have joined forces with her in this fight to raise the issue of funding in our community.

African Americans and other minorities continue to suffer a drastically higher rate of death and disease and longer term rates of illnesses from treatable diseases than other segments of the U.S. population. As our Nation prepares to enter the new millennium, this negative health status must not continue to be ignored.

As the Nation spends over $7 billion for HIV–AIDS treatment, prevention and control, only $156 million is targeted to address HIV–AIDS in communities of color, a mere 2 percent. Surely steps must be taken and effective measures put in place to ensure that resources follow the trend of the disease across all segments of this population. We are asking for a minimum of $349 million to appropriate in fiscal year 2000 to address this health emergency in communities of color.

Mr. Speaker, I started an AIDS walk in the Southern California area because of the devastation of this disease, both domestically, and, now, internationally, in Africa, Brazil, Asia and Latin America.

In looking at it from the domestic side of things, according to the Centers for Disease Control, as of June 1997, 32.4 percent of all males age 13 and older are African Americans, and 14.8 percent are Hispanic. Of all females age 13 and older, 24.2 percent are Caucasians, 58.4 percent are African Americans, and 16.4 percent are Latinos or Hispanics. Of all children under the age of 13 years old, 60.8 percent are African Americans and 19.5 percent are Hispanic.

You can see this very devastating disease, Mr. Speaker, has impacted the minority women and children tremendously, with this being the leading cause of death among African American women ages 25 to 44, right in those reproductive years. We can ill afford to let this continue, Mr. Speaker. We must raise the awareness of this devastation domestically.

With African Americans making up 13 percent of the U.S. population and Hispanics making up 11 percent of the U.S. population, these percentages signal an alarming and inhumane quandary for all Americans. We, the Members of Congress, are in a position to impact the lives of America's families struggling to lead healthy, productive lives. We can serve an integral role in educating parents, teens, and members of our communities on HIV, how it is transmitted, what treatment options exist for those who are living with HIV, the need to obtain HIV testing, and the clarification of rampant myths associated with the disease that for so long has been exclusively associated with homosexual white males.

Now, HIV, as I have just read to you, is devastating domestically, but this disease is also devastating Africa by large numbers. Presently, there are nearly 23 million adults and children living with HIV/AIDS on that great continent. According to UNESCO, AIDS is now Africa's leading cause of death. Please hear me, Mr. Speaker, and those in the outer communities. It is the leading cause of death here domestically among African American women ages 25 to 44, and it is the leading cause of death on the continent of Africa.

With prevalence rates reaching 25 percent of all adults in some countries, the epidemic is decimating the pool of skilled workers, managers, and professionals who make up the human capital to grow Africa's democracies and economies.

While the HIV/AIDS disease continues to devastate women domestically and throughout Africa, and finding a cure seems far into the future, we cannot afford to give up. The Congressional Black Caucus will not give up. We are calling on all Americans of good will not to give up. We are calling on our African sisters and brothers not to give up.

There are many things that we can do as world citizens to help address the myriad problems associated with the HIV/AIDS epidemic. Education programs in the workplace, schools, and churches can help create new attitudes toward gender and AIDS transmission. Women's health services that include treatment, testing and counseling, prevention and support services, can greatly empower women as they combat this disease while caring for their children.

Mr. Speaker, we must support the cause of a comprehensive program for African American, Latino and Asian women and the entire minority population in testing, education in schools and the workplace, peer education, and counseling.

Research is also essential if we are to conquer this disease. We want to encourage more investment in scientific research that will make tests for earlier detection simple and affordable,

develop new technologies for prevention, and promote women's health rights and human rights vis-a-vis HIV/AIDS and related issues.

Mr. Speaker, I am calling tonight on all of us to join forces with the Members of the Congressional Black Caucus, led by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to not only address this critical devastating disease but help us in the funding to try and find a cure.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman, and I also want to thank you because you have been a leader on the issue of HIV/AIDS before I got to the Congress, not only for the Nation, but what I understand has been called the most diverse district or one of the most diverse districts in the country. Having started the annual AIDS walk that is now being replicated across the country, I want to thank you for that. I thank you for joining us this evening.

Next I would like to yield, Mr. Speaker, to my colleague the gentlewoman from the 18th Congressional District of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her leadership, and I thank her for organizing this special order. I particularly am gratified for the opportunity to join my colleagues on a message to the American people of the enormity of the crisis of HIV/AIDS in the minority community.

In particular let me also emphasize that, albeit we are here on the floor of the House and we may sound as if we are working studiously to secure the passage or secure the funding, I hope our tone does not in any way diminish the enormity of the problem and the crisis and the urgency.

I would like to additionally thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her leadership on the Health Brain Trust here in the Congressional Black Caucus. Among the many issues she discussed, there was a great focus on HIV/AIDS, as well as many other health issues in the African American community. But the emphasis is not only the African American community, but the emphasis is also on the enormous, again I use that term, because they are so extensive, disparities in healthcare for the minority community.

Dr. King wrote a book some years ago that said, ''If not now, then when?'' I would offer to say that the reason why we are here on the floor of the House is to ask that same question: If not now, when? How many more have to die? How many more statistical horror stories do we have to hear about HIV/AIDS before we can have the United States Congress consider the $349 million that is being supported by the Congressional Black Caucus at the leadership of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) in asking for this money to help us in this crisis of HIV/AIDS?

It has been noted, Mr. Speaker, but I think it is important to note again, 48,266 cases were reported in 1998, and, for your ears, African Americans accounted for 45 percent of total cases; 40 percent of cases in men, 62 percent of cases in women, and 62 percent of cases in children.

Mr. Speaker, 62 percent of our children are HIV infected and probably more affected. I have worked in my community on the HIV question for a number of years, remembering my visit to the United States Congress in 1990 with my mayor to support the passage of the Ryan White treatment legislation, when Houston, Texas, the fourth largest city in the Nation, was then 13th on the list in the United States of America of HIV cases.

So this problem or this issue has been growing and it has been developing and it has, yes, been spreading. As with the crisis now in New York City with St. Louis encephalitis, or whatever else this virus may be called, HIV/AIDS does not stop at the border of any State or city.

So I have seen in the City of Houston this growth mushroom. In fact, a few weeks ago I held a grant meeting with many of my minority HIV organizations. Part of the emphasis was the outreach to explain to them that they should be dutiful and studious in seeking grants to help educate our communities. What I was overwhelmed with was the enormous challenge, again, that these groups were facing, the numbers of cases that they were having, and the amount of money that they needed.

This whole situation with women in their childbearing stages, twenty-five to 44 being HIV infected. It is a direct link to our children being born with this deadly disease. In many instances, the treatment or the outreach would be the door or the divide that would protect that woman during her childbearing stages becoming susceptible to HIV/AIDS and, therefore, carrying it to her child. More information, more treatment, more access to information, more education.

Of Americans reported with AIDS through December 1998, 37 percent were black and 18 percent Hispanic. In 1998, the annual AIDS incidence rate among African American adults in adolescence was eight times that of whites. African American women accounted for 70 percent of all reported cases of HIV infection among all women in 1998.

Mr. Speaker, let me share with you why this may be a more difficult challenge than most would like to think. The difficulty of the challenge is to say that it is outreach, it is making sure that we reach individuals who are intimidated by institutions, by medical facilities, by hospitals, who are intimidated as to what would happen to them if they report they have HIV/AIDS, that they would be fired or not have the opportunity for seeking care because they were afraid of what may happen to them. Many of these women are homeless, single parents. Many of them are without a spouse or family situation. So the $349 million that we are seeking is to be able to assure the funding of the minority health office. It is to ensure outreach.

I would simply say, Mr. Speaker, that we have an uphill battle, but the battle must be one that is joined by all of my colleagues, frankly confronting the crisis of HIV/AIDS and dealing with that population in a way that said if not now, then when?

I believe the time is now, Mr. Speaker, to fight the fight and win the battle; and I am delighted, not delighted to be here tonight to fight this battle, because it is not a delight, but I am certainly in it for the fight, in order to ensure that we save more lives.

I thank the gentlewoman for yielding me this time and joining with us by giving us the opportunity to participate in this special order.

□ 2115

Mrs. CHRISTENSEN. Mr. Speaker, let me just close by thanking my colleagues who have joined us here this evening.

I will say in closing that Dr. Harold Freeman, a world-renowned expert on cancer, told us at our spring Brain Trust that although we had been fighting the war on cancer, on which he is an expert, we had perhaps been fighting the wrong kind of war, and that the kind of war we need to be fighting to be successful against cancer, heart disease, diabetes, and HIV-AIDs, and all of the diseases that are causing the disparities in communities of color, needs to be more of a guerilla war, a hand-to-hand type of combat against these diseases within our neighborhoods.

That is what we are here asking for, for the resources to be brought to our communities, this evening. We ask for the support of our colleagues for the CBC initiative, and the $349 million that will be needed to bring these resources to this community.

Mr. Speaker, last month the United States Commission on Civil Rights issued its report entitled: "The Health Care Challenge: Acknowledging Disparity, Confronting Discrimination and Ensuring Equality."

We in the CBC have long said that health care is the new civil rights battlefield, and we have approached it accordingly.

Let me quote in part from the report. Although there was a dissenting view, the report states quite clearly and without dispute that equal access to quality health care is a civil right. And that despite the many initiatives, and programs implemented at the Federal, State and local levels, the disparities in health care for women, the poor and people of color will not be alleviated unless civil rights concerns are integrated into these initiatives and programs.

The report cites access to health care, including preventive and necessary treatment as the most obvious determinant of health status, and cites barriers: to include health care financing, particularly the ability to obtain health insurance, language, cultural misunderstanding, lack of available services in some

geographical areas, and in some cases lack of transportation to those services.

Behaviors, and the need to accept individual responsibility for one's health has often been cited as an important determinant, but the investigation done by the Commission clearly shows that although behaviors such as smoking, diet, alcohol, and others can be correlated to poor health status, they only account for a modest portion of health disparities which exist across age, sex and race and ethnic categories.

What is often not taken into account is the social and economic environment in which personal choice is limited by opportunities. I am referring to issues such as low income, the unavailability of nutritious foods, and lack of knowledge about healthy behaviors.

So while we help those most affected to understand more about healthy behaviors and make the appropriate lifestyle changes, it is the work of this Congress to improve the educational and housing environment, and to bring the economic growth being experienced by most of America to our more rural and ethnic communities.

What are some of the other changes that the Commission recommends be implemented to meet this important challenge? Not surprisingly they go to the heart of the congressional black caucus initiative.

One of the disparities the Commission found is that although there is an effort to eliminate racial and ethnic health disparities, I quote—there has not been any systematic effort by the steering committee at the Department of Health and Human Services or Office of Civil Rights to monitor or report on the Department's progress.

This is precisely what the funding of the offices of minority health within the agencies would address. It would give these offices a line item budget, and build into the system a process whereby minority interests and expertise would be brought to bear in decision and policy making within the Department.

The Commission stated in its transmittal letter to the President and leaders of Congress that the offices of women and minority health throughout HHS should take a more proactive role in the incorporation of these populations' health issues in HHS. Treated as peripheral, these offices are forced to operate under the constraints of extremely limited budgets. HHS must recognize the potential impact of these offices and increase funding accordingly.

This we feel is critical to creating the internal changes and departmental culture that is necessary to effect the change which must be achieved in the health of people of color.

The report cites the importance of physician diversity and cultural competence in the delivery of health services. It found that within the context of patient care it is necessary to open up medical knowledge to include multicultural and gender perspectives to health, health care, and patient-provider interaction. It further states that a major finding of their research is that clearly more minorities are needed as health care professionals.

The current appropriations committee report indicates a reduction in funding below the President's request for programs that would make this happen. These funds need to be reinstated and I ask the House's support in doing so.

The Commission also stated that their research indicated that minorities and women—particularly minority and poor women—have been excluded from clinical trials for decades.

Again in their transmittal letter the Commission states: another focus of the Office of Secretary, OCR and minority health should be the lack of medical research by and about minorities. HHS must take the lead in enforcing the mandated inclusion of females and minorities in health related research both as participants in and recipients of Federal funds for research.

The CBC, under the leadership of Jesse Jackson, Jr., is supporting the creation of a center of disparity health research which would elevate the current Office of Minority Health to center status.

This is an important measure to achieving diversity which is important in both research and researchers.

Lastly, the CBC initiative is about making resources available to our communities so that they themselves can be the agents of the necessary change and improvement in our health status.

The Commission states that "to be effective in reducing disparities and improving conditions for women and people of color, they must be implemented at the community level, particularly in conjunction with community based organizations.

THE NORWOOD-DINGELL BILL OFFERS REAL HMO REFORM

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 30 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

THE HIV-AIDS CRISIS IN THE AFRICAN-AMERICAN COMMUNITY

Mrs. CHRISTENSEN. Mr. Speaker, I really appreciate the gentleman's generosity.

Mr. Speaker, I yield to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from New Jersey (Mr. PALLONE) for yielding.

Mr. Speaker, I join the Members here representing the Black Caucus, and I plead for more attention and funding to be given for prevention and treatment of the HIV virus and the AIDS disease.

Mr. Speaker, somehow I think that back in 1980, 1981, and 1982, when many of the leaders from the gay community were speaking out against this virus, that much of the other parts of the community simply ignored it because they thought it was just a disease of the gay and lesbian population.

Even at that time, I knew a virus did not know the sexual practices of people, and I felt it was a communicable disease that had the capacity of infecting almost anyone. That has proven to be true. Back in 1980 and 1981, when we were having meetings at home, I was getting warnings that it was dangerous to be talking about this kind of virus that is affecting just the gay community.

We now find that is not the case. It is a communicable disease that will affect all persons that are subjected or exposed to this virus in the workplace, in the health facilities, anywhere that persons can be exposed to this virus.

Mr. Speaker, we now plead for this money to follow where it is. We know that we have had reductions, and we are always pleased about having reductions in any kind of communicable disease. We have seen almost a wipe-out of diphtheria and all the various viruses and bacterial communicable diseases we have had in the past. Hopefully we will speak of this disease as one of the past, but we cannot ignore the education that must taken to prevent this devastating virus.

With our young people and our youth groups, they must understand what causes the exposure and how to prevent that exposure. Far too many people are dying of AIDS. Even though it is much less than what it was some years ago, any death from this virus is too many, because it means that someone has ignored or not known what exposes them to this deadly virus.

People are living longer, which is costing more for care, and we are always pleased to have good results, but nothing surpasses preventing diseases of this sort. For that reason, I hope we would give real attention to educating especially our younger people.

We are finding that our older women in heterosexual relationships have an increase in the incidence of the HIV-AIDs virus because of loneliness, all kinds of other activities that would lead them to be exposed to this virus. That must be given attention. No matter what the profile of the individual might be or might seem to be, caution is advised.

We have gone a long way in attempting to keep people alive with the various drugs that are very, very costly, and causing them to live longer lives. But nothing yet has come along for us to see the real end to this deadly virus. The best thing we can do is prevent it. We find that the persons who are the most sometimes uneducated are the ones who least believe that they can be exposed to this virus, and they are the ones who are becoming more exposed all the time. No one, absolutely no one, is safe when they take part in any activity that exposes them to this virus, no matter what.

I am eternally grateful for the leaders in the gay community for continuing to talk about this virus, and not allowing the rest of us to forget it just because they had a larger incidence. That incidence has gone down tremendously in that community, but the leadership continues almost to come from the concentration of their community.

I am grateful for them continuing to bring forth the leadership in educating the people, but there is an element

missing. When people think it is only in the gay community, they simply think they are over and above this exposure. This is the myth we must break down. This is a virus that absolutely anyone can be exposed to. It only takes one exposure, so the education must go forth in all communities, young and old, heterosexual or not. We must not stop educating, because that is the only thing that is going to prevent this virus. It is costly, the treatment is very costly, the suffering is costly. We must really focus on prevention and not just paying for the illness.

I want to thank the leadership of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). As an M.D., she is fully aware of all of the factors involved, and I appreciate the leadership that she has brought forth.

Mrs. CHRISTENSEN. I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). I want to thank her for her leadership as a health care professional, as well as Vice-Chair of the caucus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, first of all, let me thank the gentleman from New Jersey (Mr. PALLONE) for yielding.

I commend the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her perseverance, and the persistence and leadership she has shown by being a physician, and we are so happy to have her.

But I also would like to add that we are in good company, because the Speaker pro tempore tonight is also a person who has done work on river blindness, and has donated his time and effort and resources to try to help people who are much worse off in another part of the world. I commend him for his work.

Mr. Speaker, we are in a crisis. The issue of HIV and AIDS in this country is one of the most serious problems we must grapple with. Since the AIDS epidemic began in 1981, more than 640,000 Americans have been diagnosed with the disease, and more than 385,000 men, women, and children have lost their lives.

I have been at the forefront of fighting against AIDS since the 1980s, when it was not quite as acceptable to talk in public about this dread disease. In 1989, when I was first elected to Congress, I called a congressional hearing in my district of Newark, New Jersey, to sound the alarm on the epidemic that everyone was ignoring.

In 1991, I introduced the abandoned infants bill, which was approved in the House. This was a bill to protect abandoned infants, some of whom were infected with HIV virus, and for other programs to assist them. I was outraged at the lack of attention being paid to this disease, a disease that was and still is killing people every day in every community.

This past reluctance to address the problem that was staring us in the face is one reason why we have such a grave situation today. While we have advanced in that respect, we cannot rest on our laurels because the problem still exists and it is growing stronger with every passing day, especially with regard to people of color.

For example, African-Americans make up only 12 percent of the population, but account for 45 percent of all reported HIV–AIDS cases. African-American women account for 56 percent of women living with HIV–AIDS, and to me, the most sobering statistic, African-American children account for 58 percent of children living with the disease.

The bottom line, Mr. Speaker, is that we are dying, and something must be done. The Clinton administration has worked with the Congressional Black Caucus to address the disproportionate burden of AIDS in racial minorities by funding money to those communities most affected. Together, we fought a hard battle with the majority party to secure an additional $156 million on targeted initiatives to address racial and ethnic minorities. A local Newark group fighting against AIDS with drama is Special Audiences, which recently received one of these grants.

This increase in funding is a good start, but it is simply not enough. Right now AIDS is the leading cause of death of African-American males between the ages of 25 and 44, the leading cause of death. This is unacceptable. Our young black men represent our future, and this terrible disease is killing them off.

In order to address the AIDS issue effectively, we need to tackle the problem at all levels. First, we need to increase awareness of the disease. The difference in response from my first hearing on AIDS to this forum tonight is like the difference between night and day. The awareness of the disease has increased dramatically, and that is a good indication that people want to be helped.

Secondly, we have to educate people on the dangers of this disease. This means everyone. AIDS is a killer that affects every segment of our population and every age group, from children to elderly adults. Without properly educating people, we will find ourselves in a much worse situation down the road than we are today.

Finally, we must encourage better treatment and health care for those who have the disease. The disproportionate number of AIDS cases in the African-American population is not due to the lack of medical technology or advancements. Rather, it points to the limitations that African-Americans face in access to health care. The medicines and treatments are out there. They are effective, but we do not have access to them. That is wrong.

Let me conclude by saying there is a common bond between all of these strategies. They are all contingent on increasing the Federal funding, and ensuring that these funds are targeted to the population that needs it the most.

Our struggle against AIDS and the AIDS epidemic is far from over. Our efforts now are extremely important to the future of each and every citizen of the country. Every concerned individual needs to take an active role in the fight against AIDS. We must wake up, and we must make a concerted effort at both the Federal and grassroots level if we are truly determined to defeat the AIDS crisis.

Mr. PALLONE. Mr. Speaker, I wanted to spend some time tonight, because this is the week when managed care reform, HMO reform, will come to the floor for the first time. I just wanted to spend about 15 or 20 minutes talking about why the Patients' Bill of Rights, the bipartisan Norwood-Dingell bill, is the right measure, and why every effort that may be made by the Republican leadership over the next few days to try to stop the Norwood-Dingell bipartisan bill, either by substituting some other kind of HMO so-called reform or by attaching other amendments or poison pills that are unrelated and sort of mess up, if you will, the clean HMO reform that is necessary, why those things should not be passed, and why we should simply pass the Norwood-Dingell bill by the end of this week.

I do not want to take away from the fact that the Republican leadership has finally allowed this legislation to come to the floor, but I am very afraid that the Committee on Rules will report out a procedure that will make it very difficult for the bill to finally pass without having poison pill or other damaging amendments added that ultimately will make it difficult for the Patients' Bill of Rights to move to the Senate, to move to conference between the two Houses, and ultimately be signed by the President.

A word of warning to the Republican leadership. This is a bill, the Norwood-Dingell bill, the Patients' Bill of Rights, that almost every American supports overwhelmingly. It is at the top of any priority list for what this Congress and this House of Representatives should be doing in this session. I think it would be a tragedy if the Republican leadership persists and continues to persist in its efforts to try to stall this bill, damage this bill, and make it so this bill does not ultimately become law.

□ 2130

I just want to say very briefly, Mr. Speaker, because I have mentioned it so many other times on the floor of the House of Representatives, the reason the Patients' Bill of Rights is a good bill and such an important bill basically can be summed up in two points; and that is that the American people are sick and tired of the fact that when they have an HMO, too many times decisions about what kind of medical care they will get is a decision that is made by the insurance company, by the HMO, and not the physician and not the patient. That is point number one.

Point number two is that if an HMO denies a particular operation, a particular length of stay in the hospital, or some other care that a patient or physician feels is necessary, then that patient should be able to take an appeal to an independent outside review board that is not controlled by the HMO and, ultimately, to the courts if the patient does not have sufficient redress. Right now, under the current Federal law, that is not possible because most of the HMOs define what is medically necessary, what kind of care an individual will receive themselves. And if an individual wants to take an appeal, they limit that appeal to an internal review that is basically controlled by the HMO itself.

So the individual cannot sue. If an individual is denied the proper care, they cannot take it to a higher court, to a court of law, because under the Federal law, ERISA preempts the State law and makes it impossible to go to court if an individual's employer is in a self-insured plan, which covers about 50 percent of Americans, who get their health insurance through their employer, who is self-insured, and those people cannot sue in a court of law.

We want to change that. The bipartisan Norwood-Dingell bill would change that. It would say that medical decisions, what kind of care an individual gets has to be made by the physician and the patient, not by the HMO. The definition of what is medically necessary is essentially decided by the physicians, the health care professionals.

And, secondly, if an individual is denied care that that individual and their physician thinks they need, under the Patients' Bill of Rights, the bipartisan bill, what happens is that that patient has the right to an external review by an independent review board not controlled by the HMO. And, failing that, they can go to court and can sue in a court of law.

Now, those are the basic reasons this is a good bill. There are a lot of other reasons. We provide for emergency services, we provide access to specialty care, we provide protection for women and children. There are a lot of other specific provisions that I could talk about, but I think there is an overwhelming consensus that this is a good bill. This is a bill that almost every Democrat will support and enough Republicans on the other side of the aisle will join us against their own Republican leadership in support of this bill.

But there have been a lot of falsehoods being spread by the insurance industry over the last few days and the last few weeks and will continue until Wednesday and Thursday when this bill comes to the floor, and I wanted to address two of them because I think they are particularly damaging if people believe them. And they are simply not true.

One is the suggestion that the patient protection legislation, the Norwood-Dingell bill, would cause health care premiums to skyrocket. That is simply not true. If we look at last week's Washington Post, September 28, there was an article that surveyed HMO members in Texas, where there is a very good patient protection law that has been in place for the last 2 years. That survey showed dramatically that in Texas they could not find one example where the Texas patient protection law forced Texas HMOs to raise their premiums or provide unneeded and expensive medical services. The Texas law, which has been on the books for 2 years, shows that costs do not go up because good patient protections are provided.

In addition, we are told by the insurance companies that costs are going to go up because there will be a lot more suits and that will cost people more money and their premiums will have to go up. Well, the 2-year Texas law that allows HMOs to be sued for their negligent medical decisions has prompted almost no litigation. Only five lawsuits out of the four million Texans in HMOs in the last 2 years, five lawsuits, which is really negligible.

It is really interesting to see the arguments that the insurance companies use. The other one they are using, and they are trying to tell every Member of Congress not to vote for the Patients' Bill of Rights, not to vote for the Norwood-Dingell legislation, is this myth that employers would be subject to lawsuits simply because they offer health benefits to their employees under ERISA. What they are saying is, if we let the patient protection bill pass, employers will be sued and they will drop health insurance for their employees because they do not want to be sued.

Well, that is simply not true. Senior attorneys in the employee benefits department in the health law department at some of the major law firms, and I will cite a particular one here from Gardener, Carton and Douglas, which basically did a legal analysis of the Norwood-Dingell bill, claim that this is simply not correct. Section 302 of the Norwood-Dingell bill specifically precludes any cause of action against an employer or other plan sponsor unless the employer or plan sponsor exercises discretionary authority to make a decision on a claim for covered benefits that results in personal injury or wrongful death.

So the other HMO myth is that an employer's decision to provide health insurance for employees would be considered an exercise of discretionary authority. Well, again, that is simply not true. The Norwood-Dingell bill explicitly excludes from being construed as the exercise of discretionary authority decisions to, one, include or exclude from the health plan any specific benefit; two, any decision to provide extracontractual benefits; and, three, any decision not to consider the provisions of a benefit while internal or external review is being conducted.

What this means is that we precluded all these employer suits. The employer basically cannot be sued under the Norwood-Dingell bill. And I would defy anyone to say that that is the case, that an employer can be sued effectively.

I wanted to mention one last thing about the poison pills, and then I would like to yield to the gentlewoman from Texas, because she is representing the State of Texas. And she knows firsthand how this law has worked so effectively in her home State of Texas, and this is a law I use over and over again as an example of why we need the Federal laws. So I would like to hear her speak on the subject.

Let me just say, though, that the other thing that we are going to see over the next few days here in the House is an effort by the Republican leadership to load down the Patients' Bill of Rights, the Norwood-Dingell bill, with what I call poison pills. I say they are poison because they do not really believe that these are good things. But they think if they pass them and add them to the Patients' Bill of Rights that, ultimately, that will defeat the bill. They cannot defeat the bill on its merits because they know that that will not work, so they try to add some poison pills.

Basically, what they are trying to do, and this is the same stuff we have had in previous years, a few days ago the GOP leadership announced its intention to consider a number of provisions it claims will expand access to health insurance along with managed care. Again, this is a ruse. There is no effort here to really expand access for the uninsured. It is just that they have no other way to counter the growing momentum behind the Norwood-Dingell bill. But based on the statement released by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, we can expect to see the following poison pills: The worst of them are: Medical Savings Accounts, Associated Health Plans, or MEWAs, and Health Marts.

All three of these measures would fragment the health care market by dividing the healthy from the sick. This fragmentation will drive up costs in the traditional market, making it more difficult for those most in need of health insurance to get it. As a result, these measures would exacerbate the problem of making insurance accessible to more people.

And that is not all they do. MSAs take money out of the treasury that could be used more effectively to increase access to health insurance through tax benefits. The Health Marts and the MEWAs would weaken patient protections by exempting even more people from State consumer protection and benefit laws.

There is no doubt about what is going on here with the Republican leadership. The opponents of the Norwood-Dingell bill are cloaking their fear of the bill's strength in a transparent costume. They are trying to add these poison pills to kill the bill. We should not

allow it, and I do not think my colleagues will.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but listen to the gentleman as he was making both an eloquent but very common-sense explanation of what we are finally getting a chance to do this week in the United States Congress. First, let me applaud the gentleman from New Jersey for years of constant persistence about the crumbling and, unfortunately, weakened health care system in America.

I was just talking with my good friend the Speaker, and I think none of us have come to this Congress with any great adversarial posture with HMOs. I remember being a member of the Houston City Council and advocating getting rid of fraud and being more efficient with health care. So none of us have brought any unnecessary baggage of some predestined opposition to what HMOs stand for. I think what we are committed to in the United States Congress and what the gentleman's work has shown over the years, and what the Norwood-Dingell bill shows, is that we are committed to good health care for Americans, the kind of health care that Americans pay for.

I would say to our insurance companies, and I will respond to the State of Texas because it is a model, but shame, shame, shame. The interesting thing about the State of Texas, and might I applaud my colleagues, both Republicans and Democrats alike in the House and Senate in Texas, it was a collaborative effort. It was a work in progress. It was all the entities regulated by the State of Texas who got together and sacrificed individual special interests for the greater good.

I might add, and I do not think I am misspeaking, that all of the known physicians in the United States Congress, or at least in the House, let me not stretch myself to the other body, I believe, are on one of the bills. And I think most of them, if they are duly cosponsoring, are on the Norwood-Dingell bill. I think Americans need to know that. All of the trained medical professionals who are Members of the United States Congress are on the Norwood-Dingell bill, or at least cosponsoring it and maybe sponsoring another entity. That says something.

What we should know about the Texas bill is, one, to all those who might be listening, our health system has not collapsed. Many of my colleagues may be aware of the Texas Medical Center, one of the most renowned medical centers in the whole Nation. Perhaps Members have heard of M.D. Anderson or of St. Luke's. Many of our trauma centers, the Hermann Hospital, developed life flight. We have seen no diminishment of health care for Texans because of the passage of legislation that would allow access to any emergency room or that would allow the suing of an HMO.

I was just talking to a physician who stands in the Speaker's chair, if I might share, that if there is liability on a physician who makes a medical decision, the only thing we are saying about the HMOs is if they make a medical decision, if that medical decision does not bear the kind of fruit that it should, then that harmed or injured person should be allowed to sue. That has been going on in the State of Texas now for 2 years. There have been no representation that there has been abuse. I can assure my colleagues in a very active court system, as a former municipal court judge, there has not been any run on the courthouse, I tell the gentleman from New Jersey, because of that legislation.

So I would just simply say, if I might share just another point that I think the gentleman mentioned in terms of a poison pill, that we tragically just heard that 44.3 percent of Americans do not have access to health insurance. We know that we have, as Henry Simmons has said, President of the National Coalition on Health Care, that this report of uninsured Americans is alarming and represents a national disgrace. We know we cannot fix everything with this. And I might say to the gentleman that Texas, alarmingly so and embarrassingly so, is number one in the number of uninsured individuals, but we do know that with this bipartisan effort of a Patients' Bill of Rights, I am supporting the Norwood-Dingell bill, we can address the crisis that many of our friends and our constituents are facing in terms of denied health care because HMOs are superceding the professional advice of physicians who have a one-on-one relationship with patients.

I think we have to stop the hypocrisy in the patient's examination room. We must give back health care to the patient and the physician and the health professional. We must stop this intrusion. And I know the gentleman knows of this, because we have had hearings and heard many tragic stories.

So I would say to the gentleman that I hope this is the week that is, and that is that we can successfully come together in a bipartisan manner to stand on the side of good health care for all Americans by passing the Norwood-Dingell bill, the Patients' Bill of Rights. And I thank the gentleman again for his leadership, and I continue to look forward to working with him. I believe at the end of the week, hopefully, when the cookies crumble, we will stand on the side of victory for that bill.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I wanted to say one more thing, because I know we are out of time. Even though Texas and my home State of New Jersey, and now we read California, have all passed good patient protection laws, I do not want any of our colleagues to think that we do not need the Federal law. These State laws still do not apply to 50 percent of the people that are under ERISA where the corporation, their employer, is self-insured.

If we do not pass a Federal law, all of the things that Texas, California, and New Jersey and other States will do are still only going to apply to a minority of the people that have health insurance. So it is crucial, even though we know that States are making progress, and even though we have seen some of the courts now intervene, Illinois last week intervened and is allowing people to sue the HMO under certain circumstances, and the Supreme Court of the United States is taking up a case, even with all that, the bottom line is that most people still do not have sufficient patient protections because of that ERISA Federal preemption.

It is important to pass Federal legislation. And we are going to be watching the Republican leadership to make sure when the rule comes out tomorrow or the next day, that they do not screw this up so that we cannot pass a clean Patients' Bill of Rights.

I want to thank the gentlewoman again for so many times when she has been down on the floor with me and others in our health care task force making the case for the Patients' Bill of Rights. It is coming up, but we are going to have to keep out a watchful eye.

□ 2145

''SEPARATION OF CHURCH AND STATE''

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 60 minutes as the designee of the majority leader.

Mr. PITTS. Mr. Speaker, tonight several of us are gathered here in the hall of the House in a legislative body that represents the freedom that we know and love in America to discuss what our Founding Fathers believed about the First Amendment, about the issue of religious liberty, about the freedom of religion, about the interaction of religion in public life. We are talking tonight about the First Amendment, not the Second Amendment, not the Tenth Amendment, the 16th, not the 26th, the First Amendment, without which our Constitution would not have been ratified.

Mr. Speaker, there has been a lot said by people of all political stripes and ideologies about the role of religion in public life and the extent to which the two should intersect, if at all.

Lately, with the increased discussion of issues like opportunity scholarships for children to attend religious educational institutions, about Government contracting with faith-based institutions, and even about the debate on the Ten Commandments being posted on public property, we have heard the phrase ''separation of church and state'' time and time again.

Joining me tonight to examine this phrase, as well as the issue of public religious expression and what our First Amendment rights entail, are several Members from across this great Nation. I am pleased to be joined tonight by the gentleman from Colorado (Mr. TANCREDO), the gentleman from North Carolina (Mr. HAYES), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Alabama (Mr. ADERHOLT). Each of these Members will examine the words and the intent of our Founding Fathers.

I would like to begin by examining the words and works of one of our most quoted Founders, Thomas Jefferson, who actually coined the phrase ''separation of church and state'' but in a way much different than what present day lore seems to suggest.

''Separation of church and state'' is the phrase which today seems to guide the debates in this chamber over public religious expressions. While Thomas Jefferson popularized that phrase, most of those who so quickly invoke Thomas Jefferson and his phrase seem to know almost nothing of the circumstances which led to his use of that phrase or even of Jefferson's own meaning for the phrase ''separation of church and state.''

Interestingly enough, the same Members in this chamber who have been using Jefferson's phrase to oppose the constitutionally guaranteed free exercise of religion have also been complaining that this body should do more with education, and I am starting to agree with them. Those who use this phrase certainly do need some more education about the origin and the meaning of this phrase.

The phrase ''separation of church and state'' appeared in an exchange of letters between President Thomas Jefferson and the Baptist Association of Danbury, Connecticut. The election of President Jefferson, America's first anti-Federalist President, elated many Baptists of that day since that denomination was, by and large, strongly anti-Federalist.

From the early settlement of Rhode Island in the 1630s to the time of the Federal Constitution in the 1780s, the Baptists often found themselves suffering from the centralization of power. And now having a President who advocated clear limits on the centralization of government powers, the Danbury Baptists wrote Jefferson on November 7, 1801, congratulating him but also expressing their grave concern over the entire concept of the First Amendment.

That the Constitution even contained a guarantee for the free exercise of religion suggested to the Danbury Baptists that the right to religious expression had become a government-given rather than a God-given, or inalienable right. They feared that the Government might some day believe that it had constitutional authority to regulate the free exercise of religion.

Jefferson understood their concern. It was also his own. He believed, along with the other Founders, that the only thing the First Amendment prohibited was the Federal establishment of a national denomination. He explained this to fellow signer of the Declaration of Independence Benjamin Rush, telling him: ''The Constitution secured the freedom of religion. The clergy had a very favorite hope of obtaining an establishment of a particular form of Christianity through the United States, especially the Episcopalians and the Congregationalists. Our countrymen believe that any portion of power confided to me will be exerted in opposition to these schemes. And they believe rightly.''

Jefferson committed himself as President to pursuing what he believed to be the purpose of the First Amendment, not allowing any denomination to become the Federal or national religion, as had been the case in Britain and France and Italy and other nations of that day.

In fact, at the time of the writing of the Constitution, 8 of the 13 colonies had state churches. But Jefferson had no intention of allowing the Federal Government to limit, to restrict, to regulate, or to interfere with public religious practices.

Therefore, in his short and polite reply to the Danbury Baptists on January 1, 1802, he assured them that they need not fear, the free exercise of religion will never be interfered with by the Federal Government. He explained: ''Believing with you that man owes account to none other for his faith or his worship than to God, I contemplate with sovereign reverence that act of the whole American people which declared that their Federal legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state.''

Jefferson's understanding of the wall of separation between church and state was that it would keep the Federal Government from inhibiting religious expression. This is a fact he repeated in numerous other declarations during his presidency.

For example, in his second inaugural address, he said: ''In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the Federal Government.''

In a letter to Judge Samuel Miller, Jefferson wrote: ''I consider the Federal Government as prohibited by the Constitution from intermeddling with religious exercises.''

Jefferson's phrase on ''separation of church and state'' was used to declare his dual conviction that the Federal Government should neither establish a national denomination nor hinder its free exercise of religion. Yet, is it not interesting that today the Federal Government, specifically the Federal courts, now use Jefferson's ''separation'' phrase for a purpose exactly opposite of what he intended? They now use his phrase to prohibit the free exercise of religion, whether by students who want to express their faith, or by judges who want to show their belief in the Ten Commandments, or by cemeteries who wish to display a cross, or by so many other public religious expressions.

Jefferson's phrase that so long meant that the Federal Government would not prohibit public religious expressions or activities is now used to do exactly the opposite of what Jefferson intended. Rather than freedom of religion, they now want freedom from religion. Ironic, is it not?

Earlier generations long understood Jefferson's intent for this phrase. And unlike today's courts, which only published Jefferson's eight-word ''separation'' phrase and earlier courts published Jefferson's full letter, if Jefferson's separation phrase is to be used today, let its context be clearly given as in previous years.

Additionally, earlier generations always viewed Jefferson's ''separation'' phrase as no more than it actually was, a line from a personal, private letter written to a specific constituent group. There is probably no other instance in American history where eight words spoken by a single individual in a private letter, words now clearly divorced from their context, have become the sole basis for a national policy.

One further note should be made about the First Amendment and the ''separation of church and state'' phrase. The CONGRESSIONAL RECORDS from June 7 to September 25, 1789, in the 1st Congress record the months of discussions and the entire official debates of the 90 Founding Fathers who framed the First Amendment. And by the way, contrary to popular misconception, Jefferson was not one of those who framed the First Amendment, nor its religion clause. He was not even in America at the time. He was serving overseas as an American diplomat and did not arrive back in America to become George Washington's Secretary of State until the month after the Bill of Rights was completed.

Nonetheless, when examining the records, during the congressional debates of those who actually were here and who actually did frame the First Amendment, not one single one of the 90 framers of the Constitution's religion clause ever mentioned the phrase ''separation of church and state.''

If this had been their intent for the First Amendment, as is so frequently asserted today, then at least one of those 90 would have mentioned that phrase. Not one did.

Today the phrase ''separation of church and state'' is used to accomplish something the author of the phrase never intended. That phrase found nowhere in the Constitution is now used to prohibit what is actually guaranteed by the Constitution, the free exercise of religion.

It is time to go back to what the Constitution actually says rather than

to what some opponents of religion wish that it said.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding to me. I think he makes some very excellent points on his discussion about separation of church and state, and I would like to expound on that just a bit.

In several measures recently debated within this chamber, the topic of protecting traditional religious expressions was made. In each case opponents were quick to claim that such protections would violate the First Amendment's separation of church and state.

Interestingly, the First Amendment's religion clause states: ''Congress shall make no law respecting and establishment of reference list or prohibiting the free exercise thereof.''

Despite what many claim, the phrase ''separation of church and state'' appears nowhere in the Constitution. In fact, one judge recently commented: ''So much has been written in recent years to a wall of separation between church and state that one would almost think at times that it would be found somewhere in our Constitution.''

And Supreme Court Justice Potter Stewart also observed: ''The metaphor of the 'wall of separation' is a phrase nowhere to be found in the Constitution.''

And current Chief Justice William Rehnquist also noted: ''The greatest injury of the 'wall' notion is its mischievous diversion from the actual intentions of the drafters of the Bill of Rights. The 'wall of separation between church and state' is a metaphor based on bad history. It should be frankly and explicitly abandoned.''

The phrase ''separation of church and state'' was given in a private letter in 1802 from President Thomas Jefferson to the Baptists of Danbury, Connecticut, to reassure them that their free exercise of religion would never be infringed on by the Federal Government.

Now that phrase means exactly the opposite of what Jefferson intended. In fact, the phrase ''separation of church and state'' has recently become a Federal hunting license against traditional religion in this country.

For example, in Texas a judge struck down a song which was sung during a voluntary extracurricular institute activity because the Congress had promoted values such as honesty, truth, courage, and faith in the form of a prayer.

In Virginia, a student told to write her autobiography in her English class was forced to change her own life story because in her autobiography she had talked about how important religion was in her life.

In Minnesota, it was ruled that even when artwork is a historical classic, it may not be predominantly displayed in schools if it depicts something religious.

In Pennsylvania, because a prosecuting attorney mentioned seven words from the Bible in the courtroom, a statement which lasted actually less than 5 seconds, a jury sentence was overturned for a man convicted of brutally clubbing a 71-year-old woman to death.

In Ohio, courts ruled that it was unconstitutional for a board of education to use or refer to the word ''God'' in its official writings.

In California, a judge told a public cemetery that it was unconstitutional to have a planter in the shape of a cross, for if someone were to view that cross, it could cause emotional distress and thus constitute an injury-in-fact.

In Omaha, Nebraska, a student was prohibited from reading his Bible silently during free time or even to open his Bible at school.

□ 2200

In Alaska, schools were prohibited from using the word ''Christmas'' at school, from exchanging Christmas cards or presents, or from displaying anything with the word ''Christmas'' on it because it contained the word ''Christ.''

In Missouri, Oklahoma, New Mexico and Illinois, courts told cities that when they compose their city seals, seals with numerous symbols that represent the diverse aspects of the community, such as industry, commerce, history and schools, that not even one of those symbols can acknowledge the presence of religion within the community, even if the name of the city is religious, or if the city was founded for a religious purpose.

In South Dakota, a judge ruled that a kindergarten class may not even ask the question of whose birthday is celebrated at Christmas.

In Texas, a high ranking official from the national drug czar's office who regularly conducts public school anti-drug rallies was prohibited from doing so because even though he was an anti-drug expert, he was also a minister and thus was disqualified from delivering his secular anti-drug message.

In Oregon, it was ruled that it is unconstitutional for a war memorial to be erected in the shape of a cross.

In Michigan, courts said that if a student prays over his lunch, it is unconstitutional for him to pray aloud.

Although States imprint thousands of special-order custom license plates, which I am sure everyone has seen driving down the highway, for individual citizens each year, the State of Oregon refused to print the word ''PRAY,'' the State of Virginia refused to print ''GOD 4 US,'' and the State of Utah refused to print ''THANK GOD,'' claiming that such customized license plates which were of course made at the request of the individual purchasing them, violated the ''separation of church and state.''

There are scores of other examples. They are all based on a nonconstitutional phrase. And all of this occurs despite the first amendment's explicit guarantee for the free exercise of religion. This is ridiculous. It has gone too far, Mr. Speaker.

It appears that every conceivable effort is being made to hide religion as if it were something sinister and pernicious, to banish it from the public view as if it were monstrous and diabolic, to punish those who publicly pursue it as if they were sinister threats to our society, to put them under house arrest and demand that they not practice their beliefs outside their home or places of worship.

This body should not aid and should not abet the hostility against people of faith and against traditional expressions of faith, and no Member of this body should be party to confusing the clear, self-evident wording of the Constitution or misleading the American public by claiming the first amendment says something that it does not.

The first amendment says only that ''Congress shall make no law respecting establishment of religion or prohibiting the free exercise thereof.'' It says nothing about separation of church and state. We should get back to upholding what the Constitution actually says, not upholding what some people wish that it said. It is time for reliance on the separation rhetoric to diminish and for reliance on actual constitutional wording to increase.

Now, of course, none of us in this Chamber desire that we pick one particular denomination to be chosen for the United States. However, this Nation was founded on Judeo-Christian principles and that is just a part of our history. And at the same time all of us in this Chamber, every Member of this body, and I think every Member of this country, welcomes with open arms people of all faiths into these United States.

Mr. PITTS. I want to thank the gentleman from Alabama for highlighting the magnitude, the nature of the problem in this country. As he mentioned, the court case in Pennsylvania, I remember very well a few years ago. It was in the Supreme Court chamber where this lawyer, referred to a painting which was behind the justices on the wall, a painting of the Ten Commandments and he said, ''As the Bible says, 'Thou shall not kill' '' and then he went on with his arguments. And for making that statement, that conviction of that murderer who murdered that elderly person was overturned.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, we are gathered here tonight, my colleagues and I, to destroy a number of myths, myths that abound in this country, myths that have done enormous damage to the framework of the Constitution and to the moral fabric of the Nation, as a matter of fact.

In recent debates in this Chamber over the juvenile justice bill, the bill of the display of the Ten Commandments, and the resolution for a day of prayer

and fasting, the topic of religion was raised. In each case, Members of this Chamber who are opponents of such religious expressions arose to decry the measures, claiming that for Congress to support such measures was a violation of the first amendment's religious clause.

Their arguments reflect a major misunderstanding of the first amendment. Much of this misunderstanding centers around the often used, and often abused, phrase ''separation of church and state.'' So often have we been told that separation of church and state is the mandate of the first amendment that polls now show a majority of Americans believe this phrase actually appears in the first amendment. It does not. In fact, not only does this phrase ''separation of church and state'' appear nowhere in the first amendment, it appears nowhere in the Constitution.

What the first amendment does say about religion actually is very short and self-explanatory. The first amendment simply states, and I quote, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

Those words are not difficult to understand. They are, in fact, plain English. Nevertheless, some Members among us and some members of the court have placed some strange and obscure meanings on these very plain words. For example, how can the phrase ''Congress shall make no law'' be interpreted to mean that an individual student cannot offer a graduation prayer? That is, how does ''student'' mean the same thing as ''Congress''? Or how does ''saying a prayer'' mean the same thing as ''making a law?'' Yet this is what a number of opponents of public religious expression now claim the first amendment prohibits.

Similarly, apparently coming under the prohibition that ''Congress shall make no law'' is a city council's decision about what goes on its city seal, or a judge's decision to post the Ten Commandments, or the display of a cross within a local community cemetery, or participation in a faith-based drug rehabilitation program in an inner city. It is absurd to claim that the word ''Congress'' in the first amendment now means individual students, local communities, school boards, or city councils.

Have we really lost our ability to understand simple words? Will our constitutional interpretation be guided by a phrase which appears nowhere in the Constitution? Yet those who wish to rewrite the first amendment also tell us that the phrase ''separation of church and state'' reflects the intent of those who framed the first amendment. To know if this is true, all we need to do is check the congressional records, readily accessible to us in this very building, or to citizens in their public libraries.

We can read the entire debate surrounding the framing of the first amendment occurring from June 7 to September 25, 1789. Over those months, 90 Founding Fathers in the first Congress debated and produced the first amendment. Those records make one thing very clear: In months of recorded decisions over the first amendment, not one single one of the 90 Founding Fathers who framed the Constitution's religious clause ever mentioned the phrase ''separation of church and state.'' It does seem that if this had been their intent, that at least one of them would have said something about it. Not one did. Not even one.

So, then, what was their intent? Again, the congressional records make it clear. In fact, James Madison's proposed wording speaks volumes about intent. James Madison recommended that the first amendment say, ''The civil rights of one shall not be abridged on account of religious belief or worship, nor shall any national religion be established.''

Madison, like the others, wanted to make sure that the Federal Congress could not establish a national religion. Notice, too, how subsequent discussions confirm this. For example, the congressional records for August 15, 1789 report:

''Mr. Peter Sylvester of New York feared the first amendment might be thought to have a tendency to abolish religion altogether. The state seemed to entertain an opinion that it enabled Congress to establish a national religion. Mr. Madison thought if the word 'national' was inserted before 'religion,' it would point the amendment directly to the object it was intended to prevent.''

The records are clear. The purpose of the first amendment was only to prevent the establishment of a national denomination by the Federal Congress. The first amendment was never intended to stifle public religious expression, nor was it intended to prevent this body from encouraging religion in general. Only in recent years has the meaning of the first amendment begun to change in the hands of activists who are intolerant of public religious expressions.

It is unfortunate that some Members of this body have decided to adopt this new religion ''hostile-meaning'' for the first amendment. No Member of this body should be part of obfuscating the clear, self-evident wording of the Constitution or misleading the American public by claiming the first amendment says something it does not. We should stick with what the first amendment actually says rather than what the constitutional revisionists wish that it had said.

Mr. PITTS. I thank the gentleman from Colorado for that quote from the committee action as the first amendment went through its drafts. That truly is very enlightening to consider what the framers said as they did the committee debate in drafting the first amendment.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, as I listened to the debate this summer over religious liberty issues, I was struck by a remark made by a Member opposing the free exercise of religion. One amendment to the juvenile justice bill here in the House forbids discriminating against people of faith involved in juvenile rehabilitation programs. An usual objection was made against that amendment, and I quote:

''The amendment seeks to incorporate religion into our justice system. Both of these entities have distinct places in our society and are not to be combined.''

That is amazing. They believe that if we forbid discrimination against people of faith, it somehow unconstitutionally incorporates religion into society. Unfortunately, it appears that many in today's legal system agree that it is appropriate to discriminate against faith.

For example, in Florida, during a murder trial of a man for the brutal slaying of a 4-year-old child, the judge ordered the courthouse copy of the Ten Commandments to be covered for fear that if the jurors saw the command ''Do not kill,'' they would be prejudiced against the defendant.

In Pennsylvania, because a prosecuting attorney mentioned seven words from the Bible in the courtroom, a statement that lasted less than 5 seconds over the course of a multiday trial, the jury's sentence of a man convicted of brutally clubbing a 71-year-old woman to death was overturned.

In Nebraska, a man convicted for the repeated sexual assault and sodomization of a 13-year-old child had his sentence overturned because a Bible verse had been mentioned in the courtroom.

That is incredible. Despite the DNA evidence and the eyewitness testimony used to convict a murderer and a child molester, the mere mention of a religious passage was so egregious that it caused the physical evidence to be set aside and the sentences to be overturned. The mention of religion in a public civil setting is apparently more dangerous than the threat posed by convicted murderers and child molesters.

What is the root of this doctrine that is so hostile to religion? According to the left wing in this country, the doctrine finds its roots, and I quote, ''in the major precepts that our Nation was founded on the separation of church and state.''

□ 2215

Tonight, Mr. Speaker, we are addressing the origin, the meaning and the abuse of the phrase ''separation of church and state,'' and just as it is easy to show that our opponents across the aisle are wrong about their use of that phrase, it is equally to show how wrong they are about their claim that the exclusion of religion from civil justice is a major precept on which our Nation was founded.

Consider, for example, the words of James Wilson, an original Justice of the U.S. Supreme Court, the founder of the first system of legal education in America and a signer of both the Constitution and the Declaration. Justice Wilson declared, quote:

''Human authority must ultimately rest its authority upon the authority of that law which is devine. Far from being rivals or enemies, religion and law are twin sisters, friends and mutual assistants. Indeed these two sciences run into each other. It is preposterous to separate them from each other.''

Clearly, Constitution signer and original Supreme Court Justice James Wilson strongly disagreed with today's left wing, and Constitution signer James McHenry also disagreed with him. He declared, quote:

''The holy scriptures can alone secure to our courts of justice and constitutions of government purity, stability and usefulness. In vain, without the bible, we increase penal laws and draw entrenchments around our institutions.''

Additional proof that there was no intent to exclude religious influences from civil justice is actually provided by the history of the Supreme Court. There were six justices of the original Supreme Court; three of them had signed the Constitution, and another one of them had authored the Federalist Papers. So it is safe to assume that those on the original court knew what was constitutional.

According to the records of the U.S. Supreme Court, a regular practice of these original justices was to have a minister come into the courtroom, offer a prayer over the jury before it retired for its deliberation. Religion in the courtroom and by our Founding Fathers. But I thought that our colleagues across the aisle said that the exclusion of religion from civil justice was one of our founding principles. Well, perhaps the signers of the Constitution just did not understand the Constitution.

No, to the contrary. The problem is that today some people do not understand the Constitution.

One final piece of irrefutable evidence proving that our legal system never intended to exclude religious influences is the oath taken in the courtroom. Some today argue that the oath has nothing to do with religion, but those who gave us our Constitution disagree. For example, Constitution signer Rufus King declared:

''By the oath which our laws prescribe, we appeal to the supreme being so to deal with us hereafter as we observe the obligation of our oaths.''

And Justice James Iredell, placed on the Supreme Court by President George Washington, similarly noted an oath is considered a solemn appeal to the supreme being for the truth of what is being said by a person.

And Daniel Webster, the great defender of the Constitution who served as a Member of this body for a decade, a Member of the other body for two decades, declared ''Our system of oath in all our courts by which we hold liberty and property and all our rights are founded on a religious belief.''

And in 1854 our own House Committee on the Judiciary declared, quote:

''Laws will not have permanence or power without the sanction of religious sentiment without a firm belief that there is a power above us that will reward our virtues and punish our vices.''

And Chancellor James Kent, a father of American jurisprudence, a famous judge, a legal instructor, taught that an oath was a religious solemnity and that to administer an oath was to call in the aid of religion.

Constitution signer George Washington also declared that a courtroom oath was inherently religious. As he explained, quote:

''Where is the security for property, for reputation, for life if the sense of religious obligation deserts the oath which are the instruments of investigation in courts of justice?''

There are substantial legal authorities, original signers of the Constitution, original Justices of the Supreme Court, founders of early law schools, authors of early legal text, and they all agree that religion was not to be separated from civil justice.

The claim made by those across the aisle that the exclusion of religious influences from the civil arena is one of the Nation's founding principles is no more true than their claim that the First Amendment says that there is a separation of church and state. The First Amendment simply says, and I quote:

''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

The First Amendment says that we in Congress cannot pass a law to establish a national religion or to prohibit religious expression, but the First Amendment says nothing about separation of church and state, and there is also nothing in the Constitution or in early American records which requires legal justice to be hostile to or to exclude religious influences.

So to oppose a measure that prohibits discrimination against people of faith and to claim that such an anti-discriminatory measure would violate the Constitution is not only a travesty of history and of the Constitution, but of the very justice system which some people claim they are protecting.

I thank the gentleman from Pennsylvania for bringing us together to shed light on a fundamental liberty in our Republic, the freedom of religion.

Mr. PITTS. Mr. Speaker, I thank the gentleman from Tennessee for that excellent explanation and now yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Pennsylvania for putting this special order together tonight. As I listen, this is not about setting the RECORD straight, this is about re-confirming what the RECORD really says.

This body is properly called the People's House, and since it is elected by the people, it offers a fairly good cross-section of America. Our Members come from every conceivable professional background, from numerous ethnic groups, from rural, suburban and urban areas, and we hold views from conservative to ultra-liberal and everything in between.

We seem to represent a cross-section of America on everything except religious faith. In fact, on that subject it seems that some Members of this body demand that we misrepresent the views of American people. We have heard them in a number of our debates in recent weeks objecting to any acknowledgment of God and even objecting to permitting citizens to choose faith-based programs.

Ironically, our longstanding constitutional guarantee for a freedom of religion has been twisted by some in this body into a demand for a freedom from religion. These Members demand that this body represent itself in its practical policy as being atheistic, as excluding all mention of God. The ridiculous nature of this demand was exposed over a century ago by Princeton University President Charles Hodge. He explained, and I quote:

''Over the process of time thousands have come from among us from many religious faiths. All are welcomed, all are admitted to equal rights and privileges. All are allowed to acquire property and to vote in every election, made eligible to hold all offices and invested with equal influence in all public affairs. All are allowed to worship as they please or not to worship at all if they see fit. No man is molested for his religion or his want of religion. No man is required to profess any form of faith or to join any religious association. More than this cannot reasonably be demanded. More, however, is demanded. The infidel demands that the government should be conducted on the principle that Christianity is false. The atheist demands that it should be conducted on the assumption that there is no God. The sufficient answer to all this is that it cannot possibly be done. The demands of those who require that religion should be ignored in our laws are not only unreasonable, but they are in the highest degree unjust and tyrannical.''

Even though a century has passed since Charles Hodge delivered this speech, many in this chamber are still making the same unjust and tyrannical demands. Although national studies consistently show that only 6 to 7 percent of Americans have no belief in God, critics among us want to cater solely to the 6 or 7 percent and to sacrifice the beliefs of the 93 percent at the feet of the 7. It should not be done.

During our debates on allowing individual States to choose whether or not

they wish to display the Ten Commandments, many in this body objected to those voluntary displays arguing that our policies should reflect the religion-free beliefs of the 6 or 7 percent who do not believe in God. Fortunately, this body chose otherwise, and during our debates on encouraging a day so that people who wished could join together across the Nation to humble themselves, fast and corporately pray for national reconciliation, again many in this body objected to that, wishing to see our policy reflect solely the anti-religious wishes of those in this Nation who do not believe in God. Again, fortunately the majority of this body chose otherwise, even though we fell short of the necessary two-thirds margin for approval.

Although we continually hear that with government-funded medical care there should be citizen choice when it comes to allowing similar citizen choice in selecting social service programs or criminal rehabilitation programs or educational programs, Members of this body insist that faith-based programs must be excluded from their choices. Interesting. We encourage participation in religion-free programs, but we penalize involvement in faith-based programs. This is simply another example of catering to extremists.

Frankly, despite what some Members of the body may claim, we are not required to conduct government as if God did not exist. In the first official speech ever delivered by President George Washington, he urged us to seek policies which openly acknowledge God. He explained, and I quote:

''It would be peculiarly improper to omit in this first official act my fervent supplications to that almighty being who rules over the universe. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than those of the United States. We ought to be no less persuaded that the propitious, favorable smiles of heaven can never be expected on a Nation that disregards the eternal rules of order and right which heaven itself has ordained.''

And in his farewell address 8 years later, he reiterated his policy declaring, quote:

''Of all the habits and dispositions which lead to political prosperity, religion and morality are indispensable supports. The mere politician ought to respect and cherish them. Can it be a good policy which does not equally include them?''

Patrick Henry, one of the leading individuals responsible for the Bill of Rights similarly declared:

''The great pillars of all government and of social life are virtue, morality and religion. This is the armor, my friend, and this alone that renders us invincible.''

Even Benjamin Franklin reminded the delegates at the Constitutional Convention, quote:

''All of us have observed frequent instances of a superintending Providence in our favor, and have we now forgotten that powerful friend, or do we imagine we no longer need his assistance? Without his convincing aid we shall succeed in this political building no better than the builders of Babel, and we ourselves shall become a reproach and byword down to future ages.''

Very simply, it was never intended and never envisioned that this body should pursue its policies with the practical denial of the existence of God. Yet this is what many in the body are demanding. We heard their criticism during discussion on the Ten Commandments bill, on the resolution calling for a day of humiliation, prayer and reconciliation and on the juvenile justice bill; and not only did they criticize these measures, they even had the shameless gall to tell us that the Constitution demanded that we show favoritism toward nonreligion. They told us that the First Amendment mandate on separation of church and state could not be satisfied if we passed policies which acknowledge God.

□ 2230

It is time for those critics to reread the Constitution which they swore to uphold. Nowhere does the First Amendment, or, for that matter, any part of the Constitution, mention anything about a separation of church and state, but it does guarantee in its own words the free exercise of religion. Yet some in this body would deny citizens rights which do appear in the Constitution because of a phrase which does not.

It is time for this body to get back to upholding the actual wording of the Constitution, rather than the wording of revisionists who would reread our Constitution.

Mr. PITTS. Mr. Speaker, I would like to thank the gentleman from North Carolina for his very informative comments and for reminding us of the quotes from our founders, Washington, Franklin and others.

I want to say a final thank you to all the participating Members tonight. It has been a real inspiration to listen to each one of the Members as they shared the very words of our founding documents and our Founding Fathers regarding the First Amendment.

As we have listened to these words, it becomes crystal clear that, to the extent that the First Amendment addresses the interaction between public life and religious belief, it is this: That the only thing the First Amendment prohibited was the Federal establishment of a national denomination. The freedom of religion, therefore, is to be protected from encroachment by the state, by the government, not the other way around.

Mr. Speaker, the words of our founding fathers are many, from Washington, to Franklin, to Madison, to Jefferson and others. Each one of these men was fully committed to the primary role that religion played in public life and in private life, yet without the establishment of one particular denomination.

So, my friends, as we continue to consider the many policies that lie before us, like Charitable Choice, like Opportunity Scholarships for children who go to religious schools, like government contracting with faith-based institutions, even the posting of the Ten Commandments on public property, let us do so with the true intention of the framers in mind. That intention was to allow religion both to flourish and to inform public life, yet still without naming a particular national or Federal religion or denomination. That is fully possible. Instead of shutting it out and denying even the purely practical solution that it offers, let us not be afraid of the good that religion can and does bring to public life. Indeed, it has helped to build a great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today through the end of business on October 6 on account of a death in the family.

Mrs. FOWLER (at the request of Mr. ARMEY) for today until 6:30 p.m. on account of medical reasons.

Mrs. CHENOWETH-HAGE (at the request of Mr. ARMEY) for today until 7:00 p.m. on account of her wedding.

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 Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today and October 6.

Mr. PAUL, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

S. 1606. An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On September 30, 1999:

H.R. 2981. To extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

ADJOURNMENT

Mr. PITTS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 5, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4628. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Import of Entry Services at Ports [Docket No. 98–006–2] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4629. A letter from the Under Secretary of Defense, Department of Defense, transmitting a Plan to Ensure Visibility of In-Transit End Items and Secondary Items; to the Committee on Armed Services.

4630. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting the Department's final rule—Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers [Docket No. 99–12] (RIN: 1557–AB73) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4631. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's Annual Report for calendar year 1998, pursuant to 12 U.S.C. 1827(a); to the Committee on Banking and Financial Services.

4632. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Availability of Unplublished Information [No. 99–42] (RIN: 3069–AA81) received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4633. A letter from the Deputy Assistant Administrator, Drug Enforcement Administration, transmitting the Adminstration's final rule—Schedules of Controlled Substances: Placement of Zaleplon Into Schedule IV [DEA–182F] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4634. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Industry Codes and Standards; Amended Requirements (RIN: 3150–AE26) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4635. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's Memorandum of Justification regarding the drawdown of defense articles and services for United Nations Interim Administration in Kosovo, pursuant to 22 U.S.C. 2411; to the Committee on International Relations.

4636. A letter from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation: Part 413 Reorganization: Simplified Acquisition Procedures [AGAR Case 96–05] (RIN: 0599–AA04) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4637. A letter from the Acting Director, United States Information Agency, transmitting the 1999 Integrity Act Report To The President and Congress; to the Committee on Government Reform.

4638. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To amend the Act establishing Big Thicket National Preserve''; to the Committee on Resources.

4639. A letter from the Deputy Assistant Attorney General, Office of Policy Development, Department of Justice, transmitting the Department's final rule—Civil Monetary Penalties Inflation Adjustment [AG Order No. 2249–99] (RIN: 1105–AA48) received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4640. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Technical Corrections to Regulations Regarding the Issuance of Immigrant and Nonimmigrant Visas [Public Notice 2980] (RIN: 1400–AB03) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4641. A letter from the Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 1999, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

4642. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Pre-Disaster Mitigation Loans—received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4643. A letter from the Secretary of Labor, transmitting the quarterly reports on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

4644. A letter from the Executive Office of the President, transmitting a proposal to amend the U.S. textile and apparel rules of origin; to the Committee on Ways and Means.

4645. A letter from the Secretary of Health and Human Services, transmitting a report on Agency Drug-Free Workplace Plans, pursuant to Public Law 100–71, section 503(a)(1)(A) (101 Stat. 468); jointly to the Committees on Appropriations and Government Reform.

4646. A letter from the Commission of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, transmitting the report of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction; jointly to the Committees on International Relations and Armed Services.

4647. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina; jointly to the Committees on International Relations and Appropriations.

4648. A letter from the Deputy Executive Secretary to the Secretary, Department of Health and Human Services, transmitting the Service's final rule—Medicare Program; Revision of the Procedures for Requesting Exceptions to Cost Limits for Skilled Nursing Facilities and Elimination of Reclassifications [HCFA–1883–F] (RIN: 0938–AI80) received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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. YOUNG of Alaska: Committee on Resources. H.R. 20. A bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York (Rept. 106–361). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1665. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation; with an amendment (Rept. 106–362). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 321. Resolution providing for consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes (Rept. 106–363). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of October 1, 1999]

H.R. 1788. Referral to the Committee on Government Reform extended for a period ending not later than October 6, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 3002. A bill to provide for the continued preparation of certain useful reports concerning public lands, Native Americans, fisheries, wildlife, insular areas, and other

natural resources-related matters, and to repeal provisions of law regarding terminated reporting requirements concerning such matters; to the Committee on Resources.

By Mr. WELDON of Pennsylvania (for himself and Mr. GONZALEZ):

H.R. 3003. A bill to amend title XVIII of the Social Security Act to designate certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the Medicare Program; 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 Mr. BROWN of Ohio (for himself, Mr. WAXMAN, Mr. STARK, Mr. FROST, Mr. FRANK of Massachusetts, and Mr. BRADY of Pennsylvania):

H.R. 3004. A bill to amend title XVIII of the Social Security Act to permit a Medicare beneficiary enrolled in a Medicare+Choice plan to elect to receive covered skilled nursing facility services at the skilled nursing facility in which the beneficiary or spouse resides or which is part of the continuing care retirement community in which the beneficiary resides; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. CAMPBELL:

H.R. 3005. A bill to establish an Independent Counsel Commission; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 3006. A bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Education and the Workforce.

By Mr. MEEHAN (for himself and Mr. HANSEN):

H.R. 3007. A bill to require the sale and advertisement of cigarettes on the Internet to meet the warning requirements of the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce.

By Mr. OWENS:

H.R. 3008. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROEMER (for himself, Mr. CLEMENT, Mr. GONZALEZ, Mr. HILL of Indiana, Mr. LAMPSON, Mrs. MALONEY of New York, and Mr. MALONEY of Connecticut):

H.R. 3009. A bill to authorize the Secretary of Education to make grants to State and local educational agencies to support programs that promote a variety of educational opportunities, options, and choices in public schools; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself, Ms. DELAURO, Mr. GEJDENSON, Mr. LARSON, and Mr. MALONEY of Connecticut):

H.R. 3010. A bill to amend titles XVIII and XIX of the Social Security Act to ensure that individuals enjoy the right to be free from restraint, and for other purposes; 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 Mr. FRANKS of New Jersey (for himself, Mrs. CLAYTON, Mrs. KELLY, Mrs. ROUKEMA, Mr. GILMAN, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. PAYNE, Mr. ROTHMAN, Mr. PASCRELL, Mr. PALLONE, Mr. MENENDEZ, Mr. BURR of North Carolina, Mr. WATT of North Carolina, Mr. BALLENGER, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HASTINGS of Florida, Mr. HINCHEY, Mrs. FOWLER, Mr. JONES of North Carolina, Mr. COBLE, and Mr. HAYES):

H. Res. 322. A resolution expressing the sense of the House of Representatives in sympathy for the victims of Hurricane Floyd, which struck numerous communities along the East Coast between September 14 and 17, 1999; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

253. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 21 memorializing the President and Congress to reject and condemn any suggestions that sexual relations between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; to the Committee on Education and the Workforce.

254. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 18 memorializing the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs; jointly to the Committees on Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Mr. KING.

H.R. 148: Mr. PICKETT and Mr. DEFAZIO.

H.R. 274: Mr. GUTIERREZ, Mr. CUNNINGHAM, Mr. PETRI, Mr. THOMPSON of California, and Mr. GEJDENSON.

H.R. 354: Mr. REYNOLDS.

H.R. 371: Mr. TALENT.

H.R. 563: Mr. INSLEE.

H.R. 566: Mr. SANDERS.

H.R. 583: Mr. FROST and Ms. RIVERS.

H.R. 628: Mr. COLLINS.

H.R. 670: Mr. BARRETT of Wisconsin, Mr. KLINK, Mr. MURTHA, Mr. TURNER, Mr. REYES, Mr. FORD, and Mr. FROST.

H.R. 685: Mr. BOSWELL.

H.R. 732: Mr. UDALL of New Mexico.

H.R. 750: Mr. OLVER and Ms. DELAURO.

H.R. 773: Mr. BERRY.

H.R. 802: Mr. HALL of Texas, Mrs. MCCARTHY of New York, Mr. RODRIGUEZ, and Mr. ROEMER.

H.R. 920: Mr. CONYERS.

H.R. 1015: Mr. BOEHLERT.

H.R. 1071: Mr. KIND.

H.R. 1122: Mr. BLAGOJEVICH, Mr. PRICE of North Carolina, and Mr. SCHAFFER.

H.R. 1187: Mr. WHITFIELD.

H.R. 1194: Mr. KUCINICH, Mr. UDALL of Colorado, and Mrs. JOHNSON of Connecticut.

H.R. 1239: Mrs. CLAYTON, Mr. WATT of North Carolina, and Mr. GEPHARDT.

H.R. 1274: Mrs. MEEKS of New York, and Mr. FALEOMAVAEGA.

H.R. 1310: Mr. NUSSLE, Mr. SHAW, Mr. UPTON, Mr. ABERCROMBIE, Mrs. MORELLA, Ms. NORTON, Mr. HASTINGS of Florida, Mr. FILNER, Mrs. NAPOLITANO. Mr. TANCREDO, Ms. ROS-LEHTINEN, Ms. STABENOW, Mr. THOMPSON of California, Mr. PICKETT, Mr. ISAKSON, Mr. HOEKSTRA, Ms. VELAZQUEZ, Mr. KENNEDY of Rhode Island, Mr. UNDERWOOD, Mr. MARTINEZ, Mr. DIXON, Mr. LEWIS of Georgia, Mr. GONZALEZ, and Mr. COX.

H.R. 1311: Mr. WEINER, Mr. NUSSLE, Mr. BOUCHER, Ms. LOFGREN, Mr. CANADY, of Florida, Mr. LEWIS of Kentucky MS. PELOSI, Mrs. CLAYTON, Mr. SANDERS, Mr. DIXON, Mr. LEWIS of Georgia, and Mr. RYAN of Wisconsin.

H.R. 1320: Ms. STABENOW.

H.R. 1334: Mr. EWING.

H.R. 1337: Mr. WATTS of Oklahoma.

H.R. 1355: Mr. LEWIS of Georgia.

H.R. 1387: Mr. PHELPS, Mr. MCHUGH, Mr. PETRI, Mr. LAFALCE, Mr. GOODE, Mr. STUPAK, Mr. FRANK of Massachusetts, and Mr. GORDON.

H.R. 1443: Mr. KILDEE.

H.R. 1452: Mr. LIPINSKI.

H.R. 1454: Mr. BROWN of Ohio.

H.R. 1456: Mr. CALLAHAN.

H.R. 1541: Mr. TOOMEY.

H.R. 1579: Mr. WOOLSEY, Mr. MASCARA, Mr. SIMPSON, Mrs. MEEK of Florida, Mr. BATEMAN, Mrs. BIGGERT, Mr. HINOJOSA, Mr. GARY MILLER of California, Ms. CARSON, Mr. OWENS, Ms. MCKINNEY, and Mr. COLLINS.

H.R. 1598: Mr. SAXTON.

H.R. 1648: Mr. HILL of Indiana.

H.R. 1650: Mr. DEFAZIO.

H.R. 1657: Mr. LUTHER.

H.R. 1879: Mr. CAPUANO.

H.R. 1917: Mr. HOSTETTLER and Mr. DEFAZIO.

H.R. 1926: Mr. MARTINEZ.

H.R. 1954: Mr. BLUNT and Mr. MORAN of Virginia.

H.R. 2055: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LIPINSKI.

H.R. 2060: Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, and Mr. DOYLE.

H.R. 2138: Mr. BRADY of Pennsylvania.

H.R. 2162: Mr. SPRATT.

H.R. 2200: Mr. ENGLISH.

H.R. 2241: Mr. REYNOLDS, Mr. GONZALEZ, Mr. SAXTON, and Mr. ALLEN.

H.R. 2308: Mr. HINOJOSA.

H.R. 2337: Mr. CRANE.

H.R. 2344: Mr. SNYDER and Mr. MORAN of Virginia.

H.R. 2429: Mr. DOOLITTLE.

H.R. 2463: Mr. SPRATT.

H.R. 2512: Mr. UNDERWOOD.

H.R. 2528: Mr. EVERETT, Mr. PETERSON of Minnesota, Mr. OXLEY, Mr. VITTER, and Mr. BASS.

H.R. 2538: Mr. COSTELLO.

H.R. 2576: Mr. PETERSON of Pennsylvania.

H.R. 2607: Mr. SENSENBRENNER, Mr. GORDON, Mr. CALVERT, Mr. KUYKENDALL, Mr. BOEHLERT, Mr. WELDON of Florida, Mr. LUCAS of Oklahoma, Mr. COOK, Mr. SMITH of Texas, Ms. STABENOW, and Mr. LAMPSON.

H.R. 2620: Mr. KIND, Mr. PRICE of North Carolina, Mr. WEYGAND, and Mr. DEUTSCH.

H.R. 2631: Mr. GONZALEZ and Mrs. NAPOLITANO.

H.R. 2697: Mr. ETHERIDGE.

H.R. 2749: Mr. CANADY of Florida and Mr. SHAW.

H.R. 2807: Mrs. MALONEY of New York.

H.R. 2809: Mr. MALONEY of Connecticut.

H.R. 2865: Mr. OWENS and Ms. PELOSI.

H.R. 2888: Mr. EWING and Mr. RUSH.

H.R. 2894: Ms. DUNN and Mr. STUMP.

H.R. 2895: Mr. GEPHARDT, Mr. SWEENEY, Mr. STUPAK, and Ms. DANNER.

H.R. 2919: Mr. SHERWOOD.

H.R. 2925: Ms. DANNER, Mr. OSE, Mr. TRAFICANT, Mr. LATOURETTE, Mr. COOKSEY, Mr. YOUNG of Florida, and Mrs. KELLY.

H.R. 2980: Mr. DELAURO.

H.R. 2985: Mr. NETHERCUTT.

H.R. 2990: Mr. BAKER, Mr. HOSTETTLER, Mr. GOSS, Mr. COOK, Mr. KUYKENDALL, Mrs. BIGGERT, Mr. HERGER, Mr. ENGLISH, and Mr. GARY MILLER of California.

H.R. 2998: Ms. ROS-LEHTINEN.

H. Con. Res. 39: Mr. LAMPSON.

H. Con. Res. 51: Mr. ROHRABACHER.

H. Con. Res. 111: Mr. KENNEDY of Rhode Island and Mr. OWENS.

H. Con. Res. 139: Mr. KIND, Mr. DOYLE, and Ms. RIVERS.

H. Res. 115: Mr. BILIRAKIS.

H. Res. 224: Mr. SIMPSON.

H. Res. 269: Mr. WICKER.

H. Res. 278: Mr. BARTON of Texas, Ms. PRYCE of Ohio, Mr. GEKAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FALEOMAVAEGA, Mrs. MORELLA, Mr. RODRIGUEZ, and Mr. OXLEY.

H. Res. 298: Ms. ESHOO, Ms. RIVERS, Mr. FARR of California, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, and Mr. FRANK of Massachusetts.

H. Res. 303: Mr. SESSIONS, Mr. COLLINS, Mr. GOODLING, Mr. ARMEY, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. KOLBE, Mr. SCHAFFER, Mr. JENKINS, and Mr. HILL of Montana.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, MONDAY, OCTOBER 4, 1999 No. 132

Senate

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Source of all the blessings, of life, You have made us rich spiritually. As we begin this new week, we realize that You have placed in our spiritual bank account, abundant deposits for the work of this week. You assure us of Your everlasting, loving kindness. You give us the gift of faith to trust You for exactly what we will need each hour of the busy week ahead. You promise to go before us, preparing people and circumstances so we can accomplish our work without stress or strain. You guide us when we ask You for help. You give us gifts of wisdom, discernment knowledge of Your will, prophetic speech, and hopeful vision. Help us to draw on the constantly replenished spiritual reserves You provide. Bless the Senators this week with great trust in You, great blessings from You, and great effectiveness for You. You are our Lord and Savior. Amen.

The PRESIDENT pro tempore. We are glad to have the Chaplain back with us.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Ohio is recognized.

WELCOME BACK

Mr. VOINOVICH. Mr. President, first of all, all of us welcome back our Chaplain, Lloyd Ogilvie. We are thankful to Almighty God that the Holy Spirit inspired the medical providers so that he could be back with us to continue to inspire us and keep our feet to the ground and our eyes to the heavens.

SCHEDULE

Mr. VOINOVICH. Today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin consideration of the Federal Aviation Administration reform bill. By previous consent, the Senate will also begin debate on three judicial nominations with votes scheduled to occur on those nominations at 2:15 p.m. on Tuesday in a stacked sequence. Also by previous consent, the Senate will conduct a rollcall vote at 5:30 today on the adoption of the Transportation appropriations conference report. Following that vote, Senators can also expect votes with respect to the FAA bill. For the remainder of the week, the Senate will continue debate on the FAA reform bill, complete action on the Labor-HHS bill, and consider nominations and conference reports that are available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 with Senators permitted to speak up to 10 minutes each and the time to be equally divided between the two leaders or their designees.

The Senator from Ohio.

(The remarks of Mr. VOINOVICH pertaining to the introduction of S.J. Res. 35 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. 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. ROBERTS. Mr. President, I understand that Senators are permitted to speak 10 minutes now and we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO JAMES THOMAS ''TONY'' ANDERSON

Mr. ROBERTS. Mr. President, those of us who are privileged to serve in the Senate are also privileged to become associated with a great many people who also serve our Nation's Capitol and, in turn, better enable us to meet our responsibilities.

They also serve the true ''owners'' of this Capitol Building, the many men, women, and children who visit this very historic place to see firsthand ''their'' Capitol, their symbol of America, and the freedoms that we all enjoy.

Despite the fact they do a good job, they are mostly unsung. I am talking about the 1,600 employees of the Senate. If you count our fine U.S. Capitol Police force, that number goes over 2,000.

Today, I rise to pay tribute to one such employee, former Hill staffer, James Thomas ''Tony'' Anderson, who passed away this past August.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

For the past 5 years, the Senate's appointment desk, just one floor from this Chamber, was where Tony always greeted people with a smile and made them feel very special. In this tribute to him, I also speak for his coworkers and friends, Joy Ogdon, Christine Catucci, and Laura Williams.

Mr. President, I first met Tony Anderson when I worked for Kansas Senator Frank Carlson and was a good friend with his mother, Margaret, who was a long-time and valued member of the Carlson staff.

Like many of our dedicated employees, Mr. Anderson was never far from Capitol Hill. He was born in the old Providence Hospital at Third and E Streets N.E., and Tony got his training early and from some of the best. While still in high school, and later in college, he worked in various capacities for many Senators; the list reads similar to a Who's Who of the Senate during those years. I am talking about Senator Russell Long, Senator Leverett Saltonstall, Senator John Kennedy, Senator George Murphy, and Senator Frank Carlson.

He graduated from Anacostia High School and later attended Federal City College, Montgomery College, and later the University of the District of Columbia.

James Thomas Anderson was also Brother Bernard, junior Profess member of the Order of St. Francis, a Holy Order within the Episcopal Church, located at Little Portion Monastery in New York. His chosen service within the Order of St. Francis was commensurate with his strong support of human and animal rights. Upon his return from the monastery, he worked for the Architect of the National Cathedral.

Mr. Anderson's life took a turn from Washington as a result of being a waiter at the old Carroll Arms Hotel Restaurant, where his interest in wines led him to a successful career that took him to the vineyards of Italy, France, Germany, and Spain. With his knowledge of wine and cheeses, he helped to open the Capitol Hill Wine and Cheese Shop, one of the first business successes that led to the revitalization of Capitol Hill.

He later became the sommelier at the Watergate Terrace, the Four Seasons, Jean Louis at the Watergate, and then to the Hay Adams Hotel. Mr. Anderson was instrumental in getting the Four Seasons' wine and beverage program started.

Tony Anderson then returned to the Capitol, working in the Senate Restaurant and Banquet Department. He could tell many accounts of serving First Ladies, visiting dignitaries, and even a luncheon for the Queen of England. No one did it better or with more elegance and propriety than Tony.

Mr. Anderson left the Senate Restaurant, and for the past 5 years served on the Senate Appointments Desk. In that capacity, he was a natural. Tony Anderson was born in the city, grew up in the city. He loved the city and the Senate dearly. He truly enjoyed people, made them feel welcome, and if they had a moment, he made their visit to our Capitol special with all of his stories and experiences.

I am not sure when he told me who he was. As I indicated, we were friends when I worked for Senator Frank Carlson a long time ago. For me and for most who have worked here as pages, interns, employees, and staffers—and, yes, also as Members of Congress—each experience, each person and, yes, even the places, are like a special collage etched in your memory.

I can't remember exactly when it was, but I know I was coming from the Hart Building; I decided not to take the elevator to get to the first floor but to take the old stairs that I used when I was an intern for Senator Frank Carlson; they lead to the Senate Foreign Relations Committee room. Well, I turned right and was hurrying on my way, glancing at those ever-present appointment cards, when I heard Tony:

Hey, Pat, remember me? I'm Tony Anderson, Margaret Anderson's son.

And there he was, with a bow tie and a smile, the same smile and always pleasant demeanor that made him special to his family, coworkers, and friends—not to mention everyone he ever served and helped, from the Queen of England to John Q. Public, visitor to our Nation's Capitol.

Mr. Anderson died at the age of 57. He is survived by his sister, Karen Anderson Cramer of Ocean Pines, MD. He was preceded in death by his parents, James and Margaret Anderson, and Edward Brodniak, his life partner of 32 years.

Tony, thanks and godspeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AIR TRANSPORTATION IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the Air Transportation Improvement Act, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 82) to authorize appropriations for the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill 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. 82

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

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Air Transportation Improvement Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Reprogramming notification requirement.
Sec. 105. Airport security program.
Sec. 106. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.
Sec. 202. Innovative use of airport grant funds.
Sec. 203. Matching share.
Sec. 204. Increase in apportionment for noise compatibility planning and programs.
Sec. 205. Technical amendments.
Sec. 206. Report on efforts to implement capacity enhancements.
Sec. 207. Prioritization of discretionary projects.
Sec. 208. Public notice before grant assurance requirement waived.
Sec. 209. Definition of public aircraft.
Sec. 210. Terminal development costs.
Sec. 211. Airfield pavement conditions.
Sec. 212. Discretionary grants.

TITLE III—AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.
[Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.**]**
Sec. 302. Limited transportation of certain aircraft.
Sec. 303. Government and industry consortia.
Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.
Sec. 305. Foreign aviation services authority.
Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.
Sec. 307. Extension of Aviation Insurance Program.
Sec. 308. Technical corrections to civil penalty provisions.
Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 310. Nondiscriminatory interline interconnection requirements.

TITLE IV—MISCELLANEOUS

Sec. 401. Oversight of FAA response to year 2000 problem.

Sec. 402. Cargo collision avoidance systems deadline.
Sec. 403. Runway safety areas; precision approach path indicators.
Sec. 404. Airplane emergency locators.
Sec. 405. Counterfeit aircraft parts.
Sec. 406. FAA may fine unruly passengers.
Sec. 407. Higher standards for handicapped access.
Sec. 408. Conveyances of United States Government land.
Sec. 409. Flight operations quality assurance rules.
Sec. 410. Wide area augmentation system.
Sec. 411. Regulation of Alaska air guides.
Sec. 412. Application of FAA regulations.
Sec. 413. Human factors program.
Sec. 414. Independent validation of FAA costs and allocations.
Sec. 415. Whistleblower protection for FAA employees.
Sec. 416. Report on modernization of oceanic ATC system.
Sec. 417. Report on air transportation oversight system.
Sec. 418. Recycling of EIS.
Sec. 419. Protection of employees providing air safety information.
Sec. 420. Improvements to air navigation facilities.
Sec. 421. Denial of airport access to certain air carriers.
Sec. 422. Tourism.
Sec. 423. Equivalency of FAA and EU safety standards.
Sec. 424. Sense of the Senate on property taxes on public-use airports.
Sec. 425. Federal Aviation Administration Personnel Management System.
Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.
[Sec. 427. Report on enhanced domestic airline competition.]
Sec. 427. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
Sec. 428. Aircraft situational display data.
Sec. 429. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.
Sec. 430. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.
Sec. 431. Allocation of Trust Fund funding.
Sec. 432. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 433. Airline marketing disclosure.
Sec. 434. Certain air traffic control towers.
Sec. 435. Compensation under the Death on the High Seas Act.
Sec. 436. FAA study of breathing hoods.
Sec. 437. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.
Sec. 438. Passenger facility fee letters of intent.
Sec. 439. Elimination of HAZMAT enforcement backlog.
Sec. 440. FAA evaluation of long-term capital leasing.

TITLE V—AVIATION COMPETITION PROMOTION

Sec. 501. Purpose.
Sec. 502. Establishment of small community aviation development program.
Sec. 503. Community-carrier air service program.
Sec. 504. Authorization of appropriations.
Sec. 505. Marketing practices.
Sec. 506. Slot exemptions for nonstop regional jet service.
Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.
Sec. 509. Consumer notification of e-ticket expiration dates.
Sec. 510. Regional air service incentive options.
Sec. 511. GAO study of air transportation needs.

TITLE VI—NATIONAL PARK OVERFLIGHTS

Sec. 601. Findings.
Sec. 602. Air tour management plans for national parks.
Sec. 603. Advisory group.
Sec. 604. Overflight fee report.
Sec. 605. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

Sec. 701. Restatement of 49 U.S.C. 106(g).
Sec. 702. Restatement of 49 U.S.C. 44909.

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

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

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

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

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

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration $5,631,000,000 for fiscal year 1999 and $5,784,000,000 for fiscal year 2000. Of the amounts authorized to be appropriated for fiscal year 1999, not more than $9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

''(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

''(3) UNIVERSITY CONSORTIUM.—There are authorized to be appropriated not more than $9,100,000 for the 3 fiscal year period beginning with fiscal year 1999 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

''(A) may not be used for the construction of a building or other facility; and

''(B) shall be awarded on the basis of open competition.''.

(b) COORDINATION.—The authority granted the Secretary under section 41720 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) for fiscal year 1999—

''(A) $222,800,000 for engineering, development, test, and evaluation: en route programs;

''(B) $74,700,000 for engineering, development, test, and evaluation: terminal programs;

''(C) $108,000,000 for engineering, development, test, and evaluation: landing and navigational aids;

''(D) $17,790,000 for engineering, development, test, and evaluation: research, test, and evaluation equipment and facilities programs;

''(E) $391,358,300 for air traffic control facilities and equipment: en route programs;

''(F) $492,315,500 for air traffic control facilities and equipment: terminal programs;

''(G) $38,764,400 for air traffic control facilities and equipment: flight services programs;

''(H) $50,500,000 for air traffic control facilities and equipment: other ATC facilities programs;

''(I) $162,400,000 for non-ATC facilities and equipment programs;

''(J) $14,500,000 for training and equipment facilities programs;

''(K) $280,800,000 for mission support programs;

''(L) $235,210,000 for personnel and related expenses; and

''(2) $2,189,000,000 for fiscal year 2000.''.

(b) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking ''fiscal years 1995 and 1996'' and inserting ''fiscal years 1999 and 2000''; and

(2) by striking ''acquisition,'' and inserting ''acquisition under new or existing contracts,''.

(c) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) EXTENSION AND AUTHORIZATION.—Section 48103 is amended by striking ''$1,205,000,000 for the 6-month period beginning October 1, 1998.'' and inserting ''$2,410,000,000 for fiscal years ending before October 1, 1999, and $4,885,000,000 for fiscal years ending before October 1, 2000.''.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) is amended by striking ''March 31, 1999,'' and inserting ''September 30, 2000,''.

SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 105. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

''§ 47136. Airport security program

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative airport 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 airport security systems or related

technology, including explosives detection systems, for the purpose of improving airport and aircraft physical security and access control; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, [test bed] *testbed* environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

''47136. Airport security program.''.

SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

''(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

''(c) LIMITATION—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term 'innovative financing technique' includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

''(1) payment of interest;

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

''(3) flexible non-Federal matching requirements.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

''47135. Innovative financing techniques.''.

SEC. 203. MATCHING SHARE.

Section 47109(a)(2) is amended by inserting ''not more than'' before ''90 percent''.

SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 47117(e)(1)(A) is amended by striking ''31'' each time it appears and [substituting] *inserting* ''35''.

SEC. 205. TECHNICAL AMENDMENTS.

(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

''(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.''.

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

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

(2) in paragraph (1) by—

(A) striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''Notwithstanding''; and

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

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

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

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

(d) DISCRETIONARY FUND DEFINITION.—

(1) Section 47115 is amended—

(A) by striking ''25'' in subsection (a) and inserting ''12.5''; and

(B) by striking the second sentence in subsection (b).

(2) Section 47116 is amended—

(A) by striking ''75'' in subsection (a) and inserting ''87.5'';

(B) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

''(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

''(2) the remaining amounts based on the following:''.

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

''(e) CHANGE IN AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.''.

(f) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIRPORTS.—Section 47102(17)(B) is amended by—

(1) striking ''or'' at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) inserting after clause (i) the following:

''(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or''.

(g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking ''or reliever''.

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

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''payment.'' in subparagraph (C) and inserting ''payment; [and'';] and

(3) by adding at the end thereof the following:

''(D) in Alaska aboard an aircraft having a seating capacity of less than 20 [passengers.''.] *passengers; and*

''(E) on flights, including flight segments, between 2 or more points in Hawaii.''.

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

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

(2) by striking ''transportation.'' in paragraph (2)(D) and inserting ''transportation; and''; and

(3) by adding at the end thereof the following:

''(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers enplaned on a flight to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.''.

(j) USE OF THE WORD ''GIFT'' AND PRIORITY FOR AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

(1) Section 47151 is amended—

(A) by striking ''give'' in subsection (a) and inserting ''convey to'';

(B) by striking ''gift'' in subsection (a)(2) and inserting ''conveyance'';

(C) by striking ''giving'' in subsection (b) and inserting ''conveying'';

(D) by striking ''gift'' in subsection (b) and inserting ''conveyance''; and

(E) by adding at the end thereof the following:

''(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.''.

(2) Section 47152 is amended—

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

(B) by striking ''gift'' in the first sentence and inserting ''conveyance''.

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

(4) Section 47153(a) is amended—

(A) by striking ''gift'' in paragraph (1) and inserting ''conveyance'';

(B) by striking ''given'' in paragraph (1)(A) and inserting ''conveyed''; and

(C) by striking ''gift'' in paragraph (1)(B) and inserting ''conveyance''.

(k) MINIMUM APPORTIONMENT.—Section 47114(c)(1)(B) is amended by adding at the end thereof the following: ''For fiscal years beginning after fiscal year 1999, the preceding sentence shall be applied by substituting '$650,000' for '$500,000'.''.

[(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.]

(l) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—

(1) Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.

(2) Section 47114(c)(2) is further amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(m) TEMPORARY AIR SERVICE INTERRUPTIONS.—Section 47114(c)(1) is amended by adding at the end thereof the following:

''(C) The Secretary may, notwithstanding subparagraph (A), apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

''(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''.

[(l)] *(n)* FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.—Section 47114(d) is amended by adding at the end thereof the following:

''(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

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

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

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.''.

(o) ELIGIBILITY OF RUNWAY INCURSION PREVENTION DEVICES.—

(1) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''activities''.

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

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

(B) by striking ''area.'' in paragraph (10) and inserting ''area; and''; and

(C) by adding at the end the following:

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

(3) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3)(B)(ii) is amended by inserting ''and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end.

SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, *both technical and procedural,* such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended by—

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

(2) adding at the end thereof the following:

''(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.''.

SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) EFFECTIVE DATE.—This section applies to any request filed on or after the date of enactment of this Act.

SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.

Section 40102(a)(37)(B)(ii) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by striking the ''States.'' in subclause (II) and inserting ''States; or''; and

(3) by adding at the end thereof the following:

''(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.''.

SEC. 210. TERMINAL DEVELOPMENT COSTS.

Section 40117 is amended by adding at the end thereof the following:

''(j) SHELL OF TERMINAL BUILDING.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).''.

SEC. 211. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator of the Federal Aviation Administration shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

SEC. 212. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

TITLE III—AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) Chapter 401 is amended by adding at the end thereof the following:

''§ 40125. Severable services contracts for periods crossing fiscal years

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

''(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

''40125. Severable services contracts for periods crossing fiscal years.''.

[SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

[The first sentence of section 47528(b)(1) is amended by inserting ''or foreign air carrier'' after ''air carrier'' the first place it appears and after ''carrier'' the first place it appears.]

SEC. 302. LIMITED TRANSPORTATION OF CERTAIN AIRCRAFT.

Section 47528(e) is amended by adding at the end thereof the following:

''(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order to—

''(A) 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).''.

SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end thereof the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

''(A) Article 12 (Rules of the Air).

''(B) Article 31 (Certificates of Airworthiness).

''(C) Article 32a (Licenses of Personnel).

''(2) The agreement under paragraph (1) may apply to—

''(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

''(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

''(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

''(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.''.

SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

[Section 45301 is amended by striking ''government.'' in subsection (a)(2) and inserting ''government or to any entity obtaining services outside the United States.''.]

Section 45301(a)(2) is amended to read as follows:

''(2) Services provided to a foreign government or to any entity obtaining services outside the United States other than—

''(A) air traffic control services; and

''(B) fees for production-certification-related service (as defined in Appendix C of part 187 of title 14, Code of Federal Regulations) performed outside the United States.''.

SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended—

(1) by striking ''subparagraph (C))'' in subsection (a)(1)(B) and inserting ''subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)'';

(2) by striking ''individual'' in subsection (f)(1)(B)(ii) and inserting ''individual's performance as a pilot''; and

(3) by inserting ''or from a foreign government or entity that employed the individual,'' in subsection (f)(14)(B) after ''exists,''.

SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 is amended by striking ''March 31, 1999.'' and inserting ''December 31, 2003.''.

SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) by striking ''46302, 46303, or'' in subsection (a)(1)(A);

(2) by striking ''*an* individual'' the first time it appears in subsection (d)(7)(A) and inserting ''*a* person''; and

(3) by inserting ''or the Administrator'' in subsection (g) after ''Secretary''.

SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

''(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

''(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

''(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

''(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

''(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

''(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

''(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

''(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

''(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

''(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

''46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.''.

SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

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

''§ 41717. Interline agreements for domestic transportation

''(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the [agreement.''.] *agreement.*

''(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.''.

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

''41717. Interline agreements for domestic transportation.''.

TITLE IV—MISCELLANEOUS

SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a payload capacity of 15,000 kilograms or more.

(b) EXTENSION.—The Administrator may extend the deadline imposed by subsection (a) for not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) COLLISION AVOIDANCE EQUIPMENT.—For purposes of this section, the term ''collision

avoidance equipment'' means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administration for collision avoidance purposes.

SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

SEC. 404. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

''(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) showing compliance with regulations, exhibition, or air racing; or

''(5) the aerial application of a substance for an agricultural purpose.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft is deemed to meet the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 405. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end thereof the following:

''§ 44725. Denial and revocation of certificate for counterfeit parts violations

''(a) DENIAL OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

''(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

''(b) REVOCATION OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

''(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) knowingly carried out or facilitated an activity punishable under such a law.

''(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

''(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

''(1) advise the holder of the certificate of the reason for the revocation; and

''(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

''(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, 'person' shall be substituted for 'individual' each place it appears.

''(e) AQUITTAL OR REVERSAL.—

''(1) IN GENERAL.—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

''(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

''(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

''(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

''(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

''(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

''(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; or

''(2) the waiver will facilitate law enforcement efforts.

''(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

''(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

''(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

''44725. Denial and revocation of certificate for counterfeit parts violations''.

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end thereof the following:

''(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART DEALERS.—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.''.

SEC. 406. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 [is amended by redesignating section 46316 as section 46217, and by inserting after section 46317 the following:] *(as amended by section 309) is amended by adding at the end thereof the following:*

''§ [46316.] *46318.* Interference with cabin or flight crew

''(a) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

''(b) COMPROMISE AND SETOFF.—

''(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

''(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.''.

(b) CONFORMING CHANGE.—The chapter analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

''46316. Interference with cabin or flight crew.

''46317. General criminal penalty when specific penalty not provided.''.

SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.

(a) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) INVESTIGATION OF ALL COMPLAINTS REQUIRED.—Section 41705 is amended by—

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

(2) striking ''carrier'' and inserting ''carrier, including any foreign air carrier doing business in the United States,''; and [after ''In providing air transportation, an air carrier''; and]

(3) adding at the end thereof the following:

''(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Each separate act of discrimination prohibited by subsection (a) constitutes a separate violation of that subsection.

''(c) INVESTIGATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall investigate each complaint of a violation of subsection (a).

''(2) PUBLICATION OF DATA.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

''(3) EMPLOYMENT.—The Secretary is authorized to employ personnel necessary to enforce this section.

''(4) REVIEW AND REPORT.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability, and report annually to Congress on the results of such review.

''(5) TECHNICAL ASSISTANT.—Not later than 180 days after enactment of the Air Transportation and Improvement Act, the Secretary shall—

''(A) implement a plan, in consultation with the Department of Justice, United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

''(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or duties under this section.''.

[(b)] *(c)* INCREASED CIVIL PENALTIES.—Section 46301(a) is amended by—

(1) inserting ''41705,'' after ''41704,'' in paragraph (1)(A); and

(2) adding at the end thereof the following:

[''(7) Unless an air carrier that violates section 41705 with respect to an individual provides that individual a credit or voucher for the purchase of a ticket on that air carrier or any affiliated air carrier in an amount (determined by the Secretary) of—

[''(A) not less than $500 and not more than $2,500 for the first violation; or

[''(B) not less than $2,500 and not more than $5,000 for any subsequent violation, then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined. For purposes of this paragraph, each act of discrimination prohibited by section 41705 constitutes a separate violation of that section.''.]

''(7) VIOLATION OF SECTION 41705.—

''(A) CREDIT; VOUCHER; CIVIL PENALTY.— Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of—

''(i) not less than $500 and not more than $2,500 for the first violation; or

''(ii) not less than $2,500 and not more than $5,000 for any subsequent violation,

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

''(B) REMEDY NOT EXCLUSIVE.—Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or to limit claims for compensatory or punitive damages asserted in such cases.

''(C) ATTORNEY'S FEES.—In addition to the penalty provided by subparagraph (A), an individual who—

''(i) brings a civil action against an air carrier to enforce this section; and

''(ii) who is awarded damages by the court in which the action is brought,

may be awarded reasonable attorneys' fees and costs of litigation reasonably incurred in bringing the action if the court deems it appropriate.''.

SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

(a) IN GENERAL.—Section 47125(a) is amended to read as follows:

''(a) CONVEYANCES TO PUBLIC AGENCIES.—

''(1) REQUEST FOR CONVEYANCE.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

''(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

''(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

''(2) RESPONSE TO REQUEST FOR CERTAIN CONVEYANCES.—Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall—

''(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(B) notify the Secretary of the decision; and

''(C) make the requested conveyance if—

''(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(ii) the Attorney General approves the conveyance; and

''(iii) the conveyance can be made without cost to the United States Government.

''(3) REVERSION.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.''.

(b) RELEASE OF CERTAIN CONDITIONS.—Section 47125 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

''(b) RELEASE OF CERTAIN CONDITIONS.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

''(1) determines that the property is no longer needed for aeronautical purposes;

''(2) determines that the property will be used solely to generate revenue for the public airport;

''(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

''(4) provides notice to the public of the requested release;

''(5) includes in the release a written justification for the release of the property; and

''(6) determines that release of the property will advance civil aviation in the United States.''.

(c) EFFECTIVE DATE.—Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) IDITAROD AREA SCHOOL DISTRICT.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from [civil enforcement action under the program known as Flight Operations Quality Assurance.] *enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.* 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 establishing those procedures.

SEC. 410. WIDE AREA AUGMENTATION SYSTEM.

(a) PLAN.—The Administrator shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administration shall continue to develop and maintain a backup system.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS DEFINED.—For purposes of this section, the term ''WAAS'' means wide area augmentation system.

(d) FUNDING AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 411. REGULATION OF ALASKA AIR GUIDES.

The Administrator shall reissue the notice to operators originally published in the Federal Register on January 2, 1998, which advised Alaska guide pilots of the applicability of part 135 of title 14, Code of Federal Regulations, to guide pilot operations. In reissuing the notice, the Administrator shall provide for not less than 60 days of public comment on the Federal Aviation Administration action. If, notwithstanding the public comments, the Administrator decides to proceed with the action, the Administrator shall publish in the Federal Register a notice justifying the Administrator's decision and providing at least 90 days for compliance.

[SEC. 412. APPLICATION OF FAA REGULATIONS.]

SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.

[Section 40113] *(a) APPLICATION OF FAA REGULATIONS.—Section 40113* is amended by adding at the end thereof the following:

''(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting

intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.''.

(b) AVIATION CLOSED CIRCUIT TELEVISION.—The Administrator of the Federal Aviation Administration, in consultation with commercial and general aviation pilots, shall install closed circuit weather surveillance equipment at not fewer that 15 rural airports in Alaska and provide for the dissemination of information derived from such equipment to pilots for preflight planning purposes and en route purposes, including through the dissemination of such information to pilots by flight service stations. There are authorized to be appropriated $2,000,000 for the purposes of this subsection.

(c) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator of the Federal Aviation Administration and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall develop and implement a ''mike-in-hand'' weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

(d) RURAL IFR COMPLIANCE.—There are authorized to be appropriated $4,000,000 to the Administrator for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

SEC. 413. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

''§ 44516. Human factors program

''(a) OVERSIGHT COMMITTEE.—The Administrator of the Federal Aviation Administration shall establish an advanced qualification program oversight committee to advise the Administrator on the development and execution of Advanced Qualification Programs for air carriers under this section, and to encourage their adoption and implementation.

''(b) HUMAN FACTORS TRAINING.—

''(1) AIR TRAFFIC CONTROLLERS.—The Administrator shall—

''(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

''(B) respond to the recommendations made by the National Research Council.

''(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with the aviation industry to develop specific training curricula, within 12 months after the date of enactment of the Air Transportation Improvement Act, to address critical safety problems, including problems of pilots—

''(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

''(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

''(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

''(D) in landing and approaches, including nonprecision approaches and go-around procedures.

''(c) ACCIDENT INVESTIGATIONS.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

''(d) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

''(e) ADVANCED QUALIFICATION PROGRAM DEFINED.—For purposes of this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.''.

(b) AUTOMATION AND ASSOCIATED TRAINING.—The Administrator shall complete the Administration's updating of training practices for *flight deck* automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

''44516. Human factors program.''.

SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) DEADLINE.—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) FUNDING.—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

SEC. 415. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of Public Law 104–50 (49 U.S.C. 106, note) is amended by striking ''protection;'' and inserting ''protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;''.

SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Beginning in 2000, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

SEC. 418. RECYCLING OF EIS.

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation,

terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or will testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—

''(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

''(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

''(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

''(i) filing of the complaint;

''(ii) allegations contained in the complaint;

''(iii) substance of evidence supporting the complaint; and

''(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—

''(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

''(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

''(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

''(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted [expeditiously.] *expeditiously and governed by the Federal Rules of Civil Procedure.* If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

''(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

''(I) provides relief in accordance with this paragraph; or

''(II) denies the complaint.

''(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

''(i) take action to abate the violation;

''(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

''(iii) provide compensatory damages to the complainant.

''(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

''(4) FRIVOLOUS COMPLAINTS.—Rule 11 of the Federal Rules of Civil Procedure applies to any complaint brought under this section that the Secretary finds to be frivolous or to have been brought in bad faith.

''[(4)] *(5)* REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—

''(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

''(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''[(5)] *(6)* ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

''(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

''[(6)] *(7)* ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

''(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the [United States.''.] *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 chapter analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

(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. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

Section 44502(a) is amended by adding at the end thereof the following:

''(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

''(A) the improvements primarily benefit the government;

''(B) are essential for mission accomplishment; and

''(C) the government's interest in the improvements is protected.''.

SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 47107 is amended by adding at the end thereof the following:

''(q) DENIAL OF ACCESS.—

''(1) EFFECT OF DENIAL.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

''(2) AIRPORTS TO WHICH SUBSECTION APPLIES.—An airport is described in this paragraph if it—

''(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

''(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

''(C) is located within a 35-mile radius of an airport that has—

''(i) at least 0.05 percent of the total annual boardings in the United States; and

''(ii) current gate capacity to handle the demands of a public charter operation.

''(3) AIR CARRIERS DESCRIBED.—An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

''(4) DEFINITIONS.—In this subsection:

''(A) AIR CARRIER; AIR TRANSPORTATION; AIRCRAFT; AIRPORT.—The terms 'air carrier', 'air transportation', 'aircraft', and 'airport' have the meanings given those terms in section 40102 of this title.

''(B) PUBLIC CHARTER.—The term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.''.

SEC. 422. TOURISM.

(a) FINDINGS.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of $127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of $489,000,000,000 in total expenditures.

(D) The industry generated $71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than $98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than $26,000,000,000;

(4) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by—

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) PURPOSES.—The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the ''Task Force'').

(2) DUTIES.—The Task Force shall examine—

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) CHAIRMAN.—The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) TRAVEL AND TOURISM INDUSTRY SATELLITE SYSTEM OF ACCOUNTING.—

(1) IN GENERAL.—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) FUNDING.—To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) RESTRICTIONS ON USE OF FUNDS.—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) REPORT TO CONGRESS.—Not later than March 30 of each year in which funds are

made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth—

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

SEC. 423. EQUIVALENCY OF FAA AND EU SAFETY STANDARDS.

The Administrator of the Federal Aviation Administration shall determine whether the Administration's safety regulations are equivalent to the safety standards set forth in European Union Directive 89/336EEC. If the Administrator determines that the standards are equivalent, the Administrator shall work with the Secretary of Commerce to gain acceptance of that determination pursuant to the Mutual Recognition Agreement between the United States and the European Union of May 18, 1998, in order to ensure that aviation products approved by the Administration are acceptable under that Directive.

SEC. 424. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

SEC. 425. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following:

''(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.''.

(b) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

''(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.''.

SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator of the Federal Aviation Administration—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA TO REQUEST INFORMATION FROM FOREIGN AIRCRAFT REPAIR STATIONS.—

(1) COLLECTION OF INFORMATION.—The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA TO REQUEST INFORMATION ABOUT DOMESTIC AIRCRAFT REPAIR STATIONS.—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) ANNUAL REPORT TO CONGRESS.—The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) DEFINITIONS.—Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

[SEC. 427. REPORT ON ENHANCED DOMESTIC AIRLINE COMPETITION.

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

[(1) There has been a reduction in the level of competition in the domestic airline business brought about by mergers, consolidations, and proposed domestic alliances.

[(2) Foreign citizens and foreign air carriers may be willing to invest in existing or start-up airlines if they are permitted to acquire a larger equity share of a United States airline.

[(b) STUDY.—The Secretary of Transportation, after consulting the appropriate Federal agencies, shall study and report to the Congress not later than June 30, 1999, on the desirability and implications of—

[(1) decreasing the foreign ownership provision in section 40102(a)(15) of title 49, United States Code, to 51 percent from 75 percent; and

[(2) changing the definition of air carrier in section 40102(a)(2) of such title by substituting ''a company whose principal place of business is in the United States'' for ''a citizen of the United States''.]

SEC. 427. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY.—

(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning March 1, 1999, and ending on September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating, for the delivery of oil dispersants by air in order to disperse oil spills.

(2) The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department;

(B) acceptable for commercial sale; and

(C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; 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, 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.

(d) REGULATIONS.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Transportation and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end-users in accordance with the conditions set forth in subsection (b) or pursuant to sub- section (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 428. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person directly that obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 429. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CHARLOTTE-LONDON ROUTE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) BERMUDA II AGREEMENT.—The term ''Bermuda II Agreement'' means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(3) CHARLOTTE-LONDON (GATWICK) ROUTE.—The term ''Charlotte-London (Gatwick) route'' means the route between Charlotte, North Carolina, and the Gatwick Airport in London, England.

(4) FOREIGN AIR CARRIER.—The term ''foreign air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

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

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Charlotte-London (Gatwick) route;

(2) the Secretary awarded the Charlotte-London (Gatwick) route to US Airways on September 12, 1997, and on May 7, 1998, US Airways announced plans to launch nonstop service in competition with the monopoly held by British Airways on the route and to provide convenient single-carrier one-stop service to the United Kingdom from dozens of cities in North Carolina and South Carolina and the surrounding region;

(3) US Airways was forced to cancel service for the Charlotte-London (Gatwick) route for the summer of 1998 and the following winter because the Government of the United Kingdom refused to provide commercially viable access to Gatwick Airport;

(4) British Airways continues to operate monopoly service on the Charlotte-London (Gatwick) route and recently upgraded the aircraft for that route to B–777 aircraft;

(5) British Airways had been awarded an additional monopoly route between London England and Denver, Colorado, resulting in a total of 10 monopoly routes operated by British Airways between the United Kingdom and points in the United States;

(6) monopoly service results in higher fares to passengers; and

(7) US Airways is prepared, and officials of the air carrier are eager, to initiate competitive air service on the Charlotte-London (Gatwick) route as soon as the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Charlotte-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom.

SEC. 430. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CLEVELAND-LONDON ROUTE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102 of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(4) BERMUDA II AGREEMENT.—The term ''Bermuda II Agreement'' means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(5) CLEVELAND-LONDON (GATWICK) ROUTE.—The term ''Cleveland-London (Gatwick) route'' means the route between Cleveland, Ohio, and the Gatwick Airport in London, England.

(6) FOREIGN AIR CARRIER.—The term ''foreign air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

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

(8) SLOT.—The term ''slot'' means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Cleveland-London (Gatwick) route;

(2)(A) on December 3, 1996, the Secretary awarded the Cleveland-London (Gatwick) route to Continental Airlines;

(B) on June 15, 1998, Continental Airlines announced plans to launch nonstop service on that route on February 19, 1999, and to provide single-carrier one-stop service between London, England (from Gatwick Airport) and dozens of cities in Ohio and the surrounding region; and

(C) on August 4, 1998, the Secretary tentatively renewed the authority of Continental Airlines to carry out the nonstop service referred to in subparagraph (B) and selected Cleveland, Ohio, as a new gateway under the Bermuda II Agreement;

(3) unless the Government of the United Kingdom provides Continental Airlines commercially viable access to Gatwick Airport, Continental Airlines will not be able to initiate service on the Cleveland-London (Gatwick) route; and

(4) Continental Airlines is prepared to initiate competitive air service on the Cleveland-London (Gatwick) route when the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the

United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Cleveland-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom, including the right to commercially viable competitive slots at Gatwick Airport and Heathrow Airport in London, England, for air carriers of the United States.

SEC. 431. ALLOCATION OF TRUST FUND FUNDING.

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term ''Airport and Airway Trust Fund'' means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

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

(3) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term ''State dollar contribution to the Airport and Airway Trust Fund'', with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

SEC. 432. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lakes Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

SEC. 433. AIRLINE MARKETING DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

SEC. 434. CERTAIN AIR TRAFFIC CONTROL TOWERS.

Notwithstanding any other provision of law, regulation, intergovernmental circular advisories or other process, or any judicial proceeding or ruling to the contrary, the Federal Aviation Administration shall use such funds as necessary to contract for the operation of air traffic control towers, located in Salisbury, Maryland; Bozeman, Montana; and Boca Raton, Florida: *Provided*, That the Federal Aviation Administration has made a prior determination of eligibility for such towers to be included in the contract tower program.

SEC. 435. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''The recovery''; and

(2) adding at the end thereof the following:

''(b) COMMERCIAL AVIATION.—

''(1) IN GENERAL.—If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

''(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

''(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

SEC. 436. FAA STUDY OF BREATHING HOODS.

The Administrator shall study whether breathing hoods currently available for use by flight crews when smoke is detected are adequate and report the results of that study to the Congress within 120 days after the date of enactment of this Act.

SEC. 437. FAA STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

The Administrator of the Federal Aviation Administration shall study the need for an alternative power source for on-board flight data recorders and cockpit voice recorders and shall report the results of that study to the Congress within 120 days after the date of enactment of this Act. If, within that time, the Administrator determines, after consultation with the National Transportation Safety Board that the Board is preparing recommendations with respect to this subject matter and will issue those recommendations within a reasonable period of time, the Administrator shall report to the Congress the Administrator's comments on the Board's recommendations rather than conducting a separate study.

SEC. 438. PASSENGER FACILITY FEE LETTERS OF INTENT.

The Secretary of Transportation may not require an eligible agency (as defined in section 40117(a)(2) of title 49, United States Code), to impose a passenger facility fee (as defined in section 40117(a)(4) of that title) in order to obtain a letter of intent under section 47110 of that title.

SEC. 439. ELIMINATION OF HAZMAT ENFORCEMENT BACKLOG.

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

(1) The transportation of hazardous materials continues to present a serious aviation safety problem which poses a potential threat to health and safety, and can result in evacuations, emergency landings, fires, injuries, and deaths.

(2) Although the Federal Aviation Administration budget for hazardous materials inspection increased $10,500,000 in fiscal year 1998, the General Accounting Office has reported that the backlog of hazardous materials enforcement cases has increased from 6 to 18 months.

(b) ELIMINATION OF HAZARDOUS MATERIALS ENFORCEMENT BACKLOG.—The Administrator of the Federal Aviation Administration shall—

(1) make the elimination of the backlog in hazardous materials enforcement cases a priority;

(2) seek to eliminate the backlog within 6 months after the date of enactment of this Act; and

(3) make every effort to ensure that inspection and enforcement of hazardous materials laws are carried out in a consistent manner among all geographic regions, and that appropriate fines and penalties are imposed in a timely manner for violations.

(c) INFORMATION REGARDING PROGRESS.—The Administrator shall provide information to the Committee on Commerce, Science, and Transportation, on a quarterly basis beginning 3 months after the date of enactment of this Act for a year, on plans to eliminate the backlog and enforcement activities undertaken to carry out subsection (b).

SEC. 440. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

Nothwithstanding any other provision of law to the contrary, the Administrator of the Federal Aviation Administration may establish a pilot program for fiscal years 2001 through 2004 to test and evaluate the benefits of long-term capital leasing contracts. The Administrator shall establish criteria for the program, but may enter into no more than 10 leasing contracts under this section, each of which shall be for a period greater than 5 years, under which the equipment or facility operates. The contracts to be evaluated may include requirements related to oceanic air traffic control, air-to-ground radio communications, and air traffic control tower construction.

TITLE V—AVIATION COMPETITION PROMOTION

SEC. 501. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development

program to be administered by a program director designated by the Secretary.

''(2) FUNCTIONS.—The program director shall—

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

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

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

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

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

''(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

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

''§ 41743. Air service program for small communities

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

''(1) will promote the development of a national air transportation system; and

''(2) will involve the participation of communities in all regions of the country.

''(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds authorized under section 504 of the Air Transportation Improvement Act to carry out this section;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) take such other action under this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The program director may not obligate more than [$30,000,000] *$80,000,000* of the amounts authorized under 504 of the Air Transportation Improvement Act over the 4 years of the program.

''(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

''(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

''§ 41744. Pilot program project authority

''(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better air service link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

''(1) out of amounts authorized under section 504 of the Air Transportation Improvement Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) collecting data on air carrier service to small communities; and

''(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

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

''§ 41745. Assistance to communities for service

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

''(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Air Transportation Improvement Act.

''§ 41746. Additional authority

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title V of the Air Transportation Improvement Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

''§ 41747. Air traffic control services pilot program

''(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

''(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

''(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

''(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

''(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

''(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

''(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities.
''41744. Pilot program project authority.
''41745. Assistance to communities for service.
''41746. Additional authority.
''41747. Air traffic control services pilot program.''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

[To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000—

[(1) there are authorized to be appropriated to the Secretary of Transportation not more than $10,000,000; and

[(2) not more than $20,000,000 shall be made available, if available, to the Secretary for obligation and expenditure out of the account established under section 45303(a) of title 49, United States Code.

[To the extent that amounts are not available in such account, there are authorized to be appropriated such sums as may be necessary to provide the amount authorized to be obligated under paragraph (2) to carry out those sections for that 4 fiscal-year period.]

There are authorized to be appropriated to the Secretary of Transportation $80,000,000 to carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000.

SEC. 505. MARKETING PRACTICES.

Section 41712 is amended by—

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

(2) adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Transportation Improvement Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary [shall] *may* promulgate regulations that address the [problem.''.] *problem, or take other appropriate action. Nothing in this section expands the authority or juridiction of the Secretary to promulgate regulations under the Federal Aviation Act or under any other Act.''.*

SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 310, is amended by adding at the end thereof the following:

''§ 41718. Slot exemptions for nonstop regional jet service.

''(a) IN GENERAL.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between—

''(1) an airport with fewer than 2,000,000 annual enplanements; and

''(2) a high density airport subject to the exemption authority under section 41714(a),

the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

''(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

''(c) CONDITIONS.—The Secretary may grant an exemption to an air carrier under subsection (a)—

''(1) for a period of not less than 12 months;

''(2) for a minimum of 2 daily roundtrip flights; and

''(3) for a maximum of 3 daily roundtrip flights.

''(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM HUB AIRPORT; JET AIRCRAFT.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

''(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

''(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

''(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

''(B) the air carrier can demonstrate unmitigatable losses.

''(e) FORFEITURE FOR MISUSE.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

[''(f) RESTORATION OF AIR SERVICE.—To the extent that—

[''(1) slots were withdrawn from an air carrier under section 41714(b);

[''(2) the withdrawal of slots under that section resulted in a net loss of slots; and

[''(3) the net loss of slots and slot exemptions resulting from the withdrawal had an adverse effect on service to nonhub airports and in other domestic markets,

[the Secretary shall give priority consideration to the request of any air carrier from

which slots were withdrawn under that section for an equivalent number of slots at the airport where the slots were withdrawn. No priority consideration shall be given under this subsection to an air carrier described in paragraph (1) when the net loss of slots and slot exemptions is eliminated.

''[(g)] *(f)* PRIORITY TO NEW ENTRANTS AND LIMITED INCUMBENT CARRIERS.—

''(1) IN GENERAL.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

''(2) LIMITATION.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

''(3) AFFILIATED CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

''[(h)] *(g)* STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''[(i)] *(h)* REGIONAL JET DEFINED.—In this section, the term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

''(28A) [LIMITED INCUMBENT AIR CARRIER.—The term] 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.''.

(2) The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41718. Slot exemptions for nonstop regional jet service.''.

SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 506, is amended by adding at the end thereof the following:

''§ 41719. Special Rules for Ronald Reagan Washington National Airport

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition *by new entrant air carriers or in* multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

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

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000 annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than [2] *3* operations.''.

''(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

''(A) will result in [12] *24* additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

''(B) will result in 12 additional daily commuter slot exemptions at such airport; and

''(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that [is not smaller than a large hub airport (as defined in section 47134(d)(2)).] *has 2,000,000 or fewer annual enplanements.*

''(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

''(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and [extended.''.] *extended.*

''(d) ADDITIONAL WITHIN-PERIMETER SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—The Secretary shall by order grant 12 slot exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for flights to airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this subsection in a manner consistent with the promotion of air transportation.''.

(b) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

''(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.''.

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

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

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

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

''(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title V of the Air Transportation Improvement Act and the amendments made by that title.''.

(e) CONFORMING AMENDMENTS.—

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

(2) The chapter analysis for subchapter I of chapter 417, as amended by section 506(b) of this Act, is amended by adding at the end thereof the following:

''41719. Special Rules for Ronald Reagan Washington National Airport.''.

(f) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 507, is amended by adding at the end thereof the following:

''§ 41720. Special Rules for Chicago O'Hare International Airport

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over

a 3-year period beginning on the date of enactment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(b) STUDIES.—

(1) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41720(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT STUDY IN 2000.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by section 507(b) of this Act, is amended by adding at the end thereof the following:

''41720. Special Rules for Chicago O'Hare International Airport.''.

SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712, as amended by section 505 of this Act, is amended by adding at the end thereof the following:

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

SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.

(a) PURPOSE.—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) STUDY.—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competititve implications of such a program; and

(7) the cost of such a program.

(c) REPORT.—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

SEC. 511. GAO STUDY OF AIR TRANSPORTATION NEEDS.

The General Accounting Office shall conduct a study of the current state of the national airport network and its ability to meet the air transportation needs of the United States over the next 15 years. The study shall include airports located in remote communities and reliever airports. In assessing the effectiveness of the system the Comptroller General may consider airport runway length of 5,500 feet or the equivalent altitude-adjusted length, air traffic control facilities, and navigational aids.

TITLE VI—NATIONAL PARKS OVERFLIGHTS

SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

''§ 40126. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any effective air tour management plan for that park or those tribal lands.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the company or pilots;

''(ii) any quiet aircraft technology proposed for use;

''(iii) the experience in commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the company;

''(v) any training programs for pilots; and

''(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

''(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

''(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

''(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

''(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Air Transportation Improvement Act, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT OF ATMPS.—

''(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may prohibit commercial air tour operations in whole or in part;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

''(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

''(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

''(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

''(4) PROCEDURE.—In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall—

''(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

''(5) AMENDMENTS.—Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Air Transportation Improvement Act; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

''(F) shall—

''(i) promote protection of national park resources, visitor experiences, and tribal lands;

''(ii) promote safe operations of the commercial air tour;

''(iii) promote the adoption of quiet technology, as appropriate; and

''(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(3) NEW ENTRANT AIR TOUR OPERATORS.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

''(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

''(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Air Transportation Improvement Act.

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

''(1) COMMERCIAL AIR TOUR.—The term 'commercial air tour' means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

''(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(B) whether a narrative was provided that referred to areas or points of interest on the surface;

''(C) the area of operation;

''(D) the frequency of flights;

''(E) the route of flight;

''(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

''(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

''(2) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour.

''(3) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Air Transportation Improvement Act.

''(4) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

''(5) COMMERCIAL AIR TOUR OPERATIONS.—The term 'commercial air tour operations' means commercial air tour flight operations conducted—

''(A) over a national park or within ½ mile outside the boundary of any national park;

''(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

''(C) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(6) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(7) TRIBAL LANDS.—The term 'tribal lands' means 'Indian country', as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

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

''(9) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) EXEMPTIONS.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) LAKE MEAD.—A commercial air tour of the Grand Canyon that transits over or near the Lake Mead National Recreation Area en route to, or returning from, the Grand Canyon, without offering a deviation in flight path between its point of origin and the Grand Canyon, shall be considered, for purposes of paragraph (1), to be exclusively a commercial air tour of the Grand Canyon.

[(2)] *(3)* ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

[(3)] *(4)* COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100–91 (16 U.S.C. 1a–1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

''40126. Overflights of national parks.''.

SEC. 603. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator and the Director shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

SEC. 604. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).

(a) IN GENERAL.—Section 106(g) is amended by striking ''40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304,'' and inserting ''40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, this afternoon the Senate begins consideration of a bill that will, if and when enacted, affect the constituents of every single Member of this body. An efficient air transportation system is critical not only to our commute home every weekend but, on a larger scale, to the functioning of a national and global economy.

The U.S. economy is becoming increasingly dependent upon a safe and efficient national air transportation system. Without a sound aviation infrastructure, the enormous flow of goods and services across the nation and over the oceans would slow to a trickle. Unfortunately, the air traffic delays experienced this past summer seem to be the first signs that the system is reaching its limits. It is vital, therefore, that Congress acts now to keep this essential form of transportation on a solid foundation.

S. 82, the Air Transportation Improvement Act, would reauthorize the programs of the Federal Aviation Administration (FAA), including the Airport Improvement Program (AIP), which expired last Friday. The AIP provides federal grants to support the capital needs of the nation's commercial airports and general aviation facilities. S. 82 establishes contract authority for the program. Without this authority in place, the FAA cannot distribute airport grants, regardless of whether an AIP appropriation is in place. It is imperative that airports receive the support that they need to operate both safely and efficiently.

In addition to grants for airport development, S. 82 includes numerous provisions designed to enhance aviation safety, to improve competition and service in the aviation industry, and to address the issue of commercial air tour flights over national parks.

On behalf of the aviation leadership of the Commerce Committee, I am offering an amendment in the nature of a substitute to S. 82. This managers' amendment does not dramatically change the provisions of the bill as it was reported. Rather, it makes technical changes and incorporates aviation-related provisions requested by many of our colleagues. The one notable difference between the bill as reported and as modified by the managers' amendment, is that the new version lengthens the term of the bill so that authorizations would be provided through fiscal year 2002.

At this point, let me take a moment to summarize some of the major provisions of the substitute amendment:

Title I provides 3-year authorizations for the AIP, the Facilities and Equipment account (F&E), and the Operations account. [Unlike the reported

bill, S. 82 also includes an authorization for the FAA's Research, Engineering and Development (RE&D) account.]

Title II would amend various provisions of the Airport Improvement Program. Although the current allocation formulas for AIP monies would remain essentially the same, there are a few differences. For example, the set-aside for noise mitigation would increase from 31 percent to 35 percent. Another change would increase from $500,000 to $650,000 the minimum amount of entitlement funds that an eligible airport receives each year.

As recommended by the DOT Inspector General, airports would be required to use their entitlement funds for their highest priority projects before using them on lower priority projects. Title II also includes numerous technical amendments requested by the Administration.

Title II also establishes a five-year pilot program to allow more airports to have the benefit of air traffic control services. This pilot program would be akin to the existing contract tower program. The difference being that an airport would bear part of the costs of a contract tower if it does not meet the benefit/cost ratio established for the regular program.

Title III includes several technical and substantive amendments to current aviation law. The key provisions would do the following:

Give the FAA the authority to establish consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety.

Give the FAA broader authority to determine when a criminal history record check is warranted for persons performing security screening of passengers and cargo.

Reauthorize the ''War Risk'' aviation insurance program and implement an FAA suggestion to ensure timely payment of claims under the program.

Make it a crime for someone to pilot a commercial aircraft without a valid certificate.

Title IV includes a wide variety of provisions, all of which are intended to improve aviation safety, security, or efficiency. Notable provisions would do the following:

Require collision avoidance equipment to be installed on cargo aircraft.

Require more aircraft to be equipped with emergency locator transmitters.

Prohibit anyone convicted of a crime involving bogus aviation parts from working in the industry or obtaining a certificate from the FAA.

Give the FAA authority to impose fines on unruly passengers.

Require the DOT to step up its enforcement of laws and regulations related to the treatment of disabled passengers.

Require the FAA to accelerate its rulemaking on a program under which airlines and their crews share operational information. This new source of information may assist safety experts in identifying potential problems before they cause accidents.

Require the FAA to develop a plan to implement the Wide Area Augmentation System (WAAS), which enables aircraft to use the Global Positioning System for navigation.

Require the DOT Inspector General to initiate an independent validation and assessment of the FAA's cost accounting system, which is currently under development.

Title V contains provisions intended to promote aviation competition and service. Key provisions include the following:

A five-year pilot program would be created to help small communities attract improved air service. It is designed to facilitate incentives and projects that will help communities improve their air access to business markets, through public-private partnerships.

The bill as approved by the Commerce Committee also includes several provisions dealing with slot controls for high-density airports and the perimeter rule at Reagan National Airport. Although the managers' amendment does not alter those provisions as they came out of committee, we will soon offer an amendment to replace them with a compromise redraft. That amendment has been crafted to accommodate the concerns of several Senators.

One notable difference is, the number of slot exemptions at Reagan National will be reduced from 48 to 24. Another change is that the high density rule will eventually cease to apply to all of the slot control airports, with the exception of Reagan National. Before the slot controls are eliminated, access to the airports will be broadened for regional jet air service to smaller communities and new infant airlines.

Title VI contains consensus legislation developed by Chairman MCCAIN to regulate the overflight of national parks by air tour operators.

Title VII contains entirely technical amendments to address recodification and other errors in title 49 of the United States Code.

Title VIII contains new provisions that transfer the aeronautic charting activities of the National Oceanographic and Atmospheric Administration to the FAA.

The passage of this bill is crucial. We have a duty to the American people to provide support to the national air transportation system. Air travel and the aviation-related industries are a fundamental part of our social and economic structure, and their response will continue to grow. The Congress may play only one part in the overall workings of this system, but it is an essential part.

The Air Transportation Improvement Act gives an opportunity to renew commitment to the future of this country. I strongly urge my colleagues to support S. 82.

Before we start the amendments and begin debate, I note with great pleasure the presence of my friend and colleague, the Senator from West Virginia. Senator ROCKEFELLER and I are often together on one cause or another. The Senator is responsible for many of the good things that are included in this bill, which is the result of a true partnership.

I yield the floor.

Mr. ROCKEFELLER. I thank my distinguished colleague for those very generous comments. I feel no obligation to argue with him at this point. He and I have been on the floor many times before, sometimes successful, sometimes not. Today and tomorrow we hope to be more successful. Always I rely on the intelligence and the articulation of the good Senator from the State of Washington.

We are dealing with a new bill and a substitute for it which will come up shortly. Ordinarily in these matters, one doesn't talk about either Senators or staff or anybody else until everything is over. However, I think it would actually set a good tone for this debate if I thanked a few of my colleagues upfront. One, it may put them in a better mood; two, it will discharge a duty which I believe I have.

I have been very frustrated by this whole process because it has taken a long time and I don't like temporary extensions. We have had a history of short-term extensions. The FAA has suffered, the airports have suffered, my State has suffered, the Senator's State has suffered, a lot of it during the course of this past year.

My frustration spilled over as far as the junior Senator from West Virginia is concerned a few weeks ago when I came to the Senate floor and poured out my frustrations about the whole troubled state of our air traffic control system and the potential impact on our national economy, as well as the impact on my State and a lot of other things which I characterize as being fairly scary in terms of delays and congestion on what I consider to be an already enormously overburdened system. I am frightened about the prospects for the future. What we will do today is by no means the end of what we must do in the future.

Today I am feeling very good. It is very good to be on the floor. We are on the floor for a reason. We are on the floor introducing the Air Transportation Improvement Act of 1999, which we all know and love as the FAA and AIP reauthorization act.

The chairman of the Commerce Committee, JOHN MCCAIN, and the ranking member, FRITZ HOLLINGS, have been working around the clock with Senator GORTON and myself—the latter two being on the Aviation Subcommittee—to work out a number of long, lingering conflicts, some of which still linger but most of which do not with respect to this bill.

The majority leader and the Democratic leader were both extremely helpful and were very personally involved, showing their strong commitment to

aviation by finding time in a very busy fall schedule. I do not know how long it will last, but a potential 2 days is generous, and I respect and appreciate that.

A whole host of other Senators have constituents who care enormously about this whole question from a variety of points of view—access to air service, lack of access to air service, noise, all kinds of other issues—and have been willing to roll up their sleeves and work very hard to find a compromise. I want to name some: Senator SCHUMER; the Iowa Senators, HARKIN and GRASSLEY; Senator WYDEN from Oregon; the Virginia Senators, both ROBB and WARNER; the Illinois Senators, both DURBIN and FITZGERALD. Everyone has had to give a little, and it hasn't been easy. I hope everyone has also gotten a little, and, in some cases, some have gotten quite a lot.

First, I extend my thanks to my colleagues and to the leadership for putting the Senate in a situation for a fair debate. We have at least gone this far. There is a lot of work to do, but first things first. As we begin Senate consideration of the FAA reauthorization bill, I am optimistic we can proceed in good order. I think we can do this in a couple of days.

I tend to think at a fundamental level the cooperation and hard work I have seen reflects a deep and abiding sense of responsibility on the part of my colleagues, which they can hardly ignore in the first place, for the continued safety and efficiency of our aviation system and the condition of our air traffic control system which is unknown to most but ought to be feared by all.

We have a number of issues to debate here, some of which, as I indicated, are still in controversy. The vast majority—and I think my colleague will agree—have been fully worked out and have been agreed to on all sides. ''All sides'' become very important words. Not all, but a majority.

Aviation, as my ranking chairman indicated, is a proven engine of economic growth in this country. People don't think of it that way. Similar to universities, sometimes people think of them in different ways. It is an enormous economic engine. Each day, 2 million people travel on U.S. commercial airlines and a quarter of million do the same thing on smaller, private planes that transport people for business. Sometimes they do it simply for the sheer pleasure of flying.

Every day and night, U.S. airlines carry more than 10 million packages and overnight letters. Every day, more than 10 million Americans go to work in aviation-related businesses. Ten million Americans? Yes. That makes America among the largest manufacturing exporters of any enterprise. To the great credit of the aviation industry and the Federal Aviation Administration, projected growth for aviation is unparalleled. Within 10 years, U.S. airlines will be carrying more than 1 billion passengers each year; that is up more than 50 percent from the records that were carried last year. The number of aircraft in the air, on the ground, moving about, will increase by 50 percent in the next decade. That can make you happy; that can also make you nervous.

The regional fleet, which is something I care about enormously, because that is the connection in the whole hub and spoke system, a connection which is very important, will grow by more than 40 percent. Worldwide, air cargo will more than triple. These are incredible figures, projections of which the FAA and the industry can and should be very proud.

Of course, there is a catch. We have to be able to handle this air traffic, and we have to be able to handle it safely, in order to realize this growth. By most accounts at the FAA and at airports across the Nation, we are simply not ready to do this. In fact, we are having trouble staying on top of the system. With every year and every month that we allow ourselves to fall further behind in our modernization effort, there are times when one wonders will we ever catch up, will we ever understand what it means to put into place a full infrastructure for an air traffic control system so we can take this doubling and tripling I have talked about before.

That is why, as Senator GORTON indicated, it is so critical we in Congress hold up our end of the bargain by making improvements where we can and provide a system with some kind of predictability. The FAA reauthorization bill is all about starting to chart a course for growth, with a focus on increasing efficiency, improving customer service, and facilitating competitive access, all the while staying focused on strengthening our strong safety record.

This is a 4-year authorization bill. It will cost about $45 billion in total in aviation funding. That sounds like an enormous sum. It is, but it is not. It is because it is. It isn't because it will not do the job, but it will help us. It will get us started on the right path.

Ours is an enormous and complex aviation system. People don't stop to think about it. They take it for granted. They did not take it for granted when there was enormous traffic congestion to get to the Redskin Stadium a couple of weeks ago, and they did take it for granted when there seemed to be none yesterday. I wasn't at either game so I have no idea. But people tend to take for granted things which they use frequently. That is not something we can afford to be doing in Congress.

For now, let me note this $45 billion authorization includes roughly $10 billion for airports under the Airport Improvement Program, $24 billion for the FAA's nearly 50,000 employees and for air traffic control operations, and $10 billion for air traffic equipment as part of the whole modernization effort.

Let me share some of the highlights of the bill and the agreed-upon committee substitute, which I believe Senator GORTON and I will want to introduce momentarily. In terms of changes in aviation law and policy and innovative new programs, the package includes some of the following: an important agreement worked out with the majority to authorize an increase of $500 million for the FAA's Air Traffic Control Modernization Program. We are grateful for every $50 million, $100 million, and $1 billion we can get our hands on.

Mr. President, $500 million is an increase; it is more than it was, and we are glad. There is an emphasis on improving air service to something we call small communities, which I imagine would be of interest to the Presiding Officer. That increase will take various forms such as an increase in the minimum Airport Improvement Program entitlement from $500 million to $650 million annually, a new $80 million pilot project to assist small communities that are struggling to restore air service, and an immediate and, hopefully, lasting priority for new service opportunities at the four slot-controlled airports: O'Hare, LaGuardia, Kennedy, and Reagan National, and a ban on smoking on all international flights to and from the United States. Here, actually, I give special thanks to the tireless efforts of Senator DURBIN.

There is whistle-blower protection for airline and FAA employees so none will fear losing their jobs for pointing out safety violations or concerns that are pertinent. This is an item Senator KERREY from Nebraska has been preaching on for quite a while. There is a series of specific safety improvements such as new runway incursion technologies and stronger enforcement of hazardous materials regulations, and a significant new agreement on noise and environmental issues arising from aircraft that fly over our National Parks. In one case, we have an airport in a National Park—only one, thank heavens. This reflects several years of very tough negotiations among Senator MCCAIN, Senator BRYAN, and others.

In addition, through the amendment process, I know we will be considering, and hopefully taking action on, several other very important provisions. For example, Senator GORTON and I will offer a painstakingly negotiated agreement among all parties for an overhaul of the slot rules at the four high-density airports: Reagan National, Chicago O'Hare, New York Kennedy, and LaGuardia. Under this deal, the slot rules will be phased out over time—phased out over time—in New York and Chicago. This was a rather bold idea at the time, put forward, actually, by the Secretary of Transportation last spring. Most important, from my perspective, these changes offer us an opportunity to increase access to these key airports. Once again, I am thinking of the constituents of the State of

the Presiding Officer, and that is the name of the game: Can you get into some of these larger airports? This will give an extra boost of service to small communities and to new entrant airlines.

Several of us, further, will join together to offer an amendment to protect airline passenger rights—Senator GORTON and I and others will do that—to hold the airlines' feet to the fire on their promise to improve customer service and to reduce customer complaints. This last summer, I thought, was almost historic, not that it seemed to have enormous effect but it was a historic example of what happens when you get gridlock in the air. People were held up. It was all during the summer travel months. That period of time is going to keep growing as the congestion grows greater and greater.

Another amendment Senator GORTON and I will offer will propose incremental FAA management reform—that is something we feel very strongly about—and an innovative financing piece for air traffic equipment.

Finally, I expect we will see some amendments and debate related to airline competition. That will be controversial, the question of whether and how we should strengthen Federal competition laws and policies as they apply to the airline industry.

In closing, obviously, there are other important provisions in this bill. I will not go through them in full. Suffice it to say, Senator GORTON and I believe this is a truly balanced package, an inclusive FAA and AIP reauthorization package. There has been a lot of consulting, a lot of negotiating—an enormous amount of negotiating. I think it is a good bill.

I am glad to join my colleague, Senator GORTON, in offering the committee substitute today on behalf of ourselves, the chairman and ranking member, at the appropriate time. I look forward to the debate on it.

I thank the Presiding Officer.

● Mr. MCCAIN. Madam President, I wish to express my strong opposition to the conference agreement on H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Bill as recently approved by the House and Senate conferees.

I recognize that there are very important provisions in the legislation, sections that appropriate funds for programs vital to the safety of the traveling public and our national transportation system over all. Yet despite that necessary funding, the legislation once again goes overboard on pork barrel spending.

It is extremely disappointing the conferees chose to meld the enormous number of listed projects that were earmarked in the House and Senate reports accompanying the transportation appropriations bill this year. Many additional projects were also included by the conferees. It seems that there is never a dearth of special projects that come to the attention of appropriators—even after both chambers have already passed their versions of the legislation.

One would have thought with the windfall enjoyed by most states due to the new budgetary scheme under Transportation Equity Act for the 21st Century, there would have been less project earmarking, but unfortunately that was not the case. And, there always seems to be a ready list of towns, airports, universities, or research organizations that appropriators want to reward with more money to work on a transportation project.

For example, many airports that failed to be included when the House and Senate considered the transportation funding legislation somehow managed to be included in the conference agreement. Some of the new entrants on the airport funding priority list are the Aurora Municipal Airport in Illinois, the Upper Cumberland Regional Airport in Tennessee, the Abbeyville Airport in Alabama, and the Eastern West Virginia Airport in West Virginia.

Like some airports, transit projects that failed to make the cut when the House and Senate considered their respective funding bills also somehow made the cut in the conference report. Further, the conferees deemed it necessary to provide specific recommendations to allocate 65 percent of the dollars set aside for the new jobs access and reverse grants program established under TEA–21. And, yet the House appropriators had acknowledged in the House report accompanying the bill that this program was created ''to make competitive grants.'' If the funding is to be competitively awarded, why did the conferees find the need to provide a listing of 47 specific recipients?

I have consistently fought Congressional earmarks that direct money to particular projects or recipients, believing that such decisions are far better made through nationwide competitive, merit-based guidelines and procedures. I continue to find this practice an appalling waste of taxpayer dollars. Bill after bill, year after year, earmarks continue to divert needed federal resources away from more meritorious and deserving projects. It is simply unconscionable that Congress condones wasting so much of our taxpayers dollars by funneling funds to special interest projects while at the same time, so many of our young men and women serving in the armed services go underpaid and in some cases, are forced to accept food by Congress, have been classic examples.

Let me share with my colleagues some of the university-related pork. $500,000 is provided for Crowder College in Missouri for a truck driving center safety initiative. $875,000 is set aside for the University of South Alabama to begin a research project on rural vehicular trauma victims. $250,000 is set aside for Montana State University at Bozeman to pilot real-time diagnostic monitoring of rail rolling stock. $250,000 is set aside for the University of Missouri-Rolla to work on advanced composite materials for use in repairing old railroad bridges.

As I have said previously, I do not question that some—perhaps all—of this research may be needed, but I do question whether the specifically selected universities are the best place to spend taxpayer dollars on those projects. It is conceivable that there may be other, more experienced entities, that could perform the research—but we will never know because earmarking ignores merit-based criteria.

I vehemently object to the expenditure of scarce transportation funds on projects that have not been subject to uniform, objective funding criteria. I further object to the expenditure of scarce transportation funds on unauthorized programs.

Section 365 provides $500,000 in grants to the Environmental Protection Agency to develop a program that allows employers in certain regions to receive credits for reduced vehicle-miles-traveled if that employer allows workers to telecommute. Section 365 was not in the House-passed bill. Section 365 was not in the Senate-passed bill. There have been no hearings on the provision in either the House or the Senate. I, for one, believe that the airport and surface transportation safety programs could far better use that half a million dollars than the Environmental Protection Agency.

I have asked the following question before and I will continue to on other appropriations bills. I ask my colleagues, why are the appropriators so reluctant to permit projects to be awarded based on a competitive and meritorious process that would be fair for all the states and local communities? I ask my colleagues, why are the appropriators so quick to slip in provisions creating brand new authorizations. I suspect it is due to the fact they may doubt the merits and worth of the very projects they are earmarking and of the programs they are authorizing.

I have only mentioned a few of the examples of earmarks and special projects contained in this measure and I will not waste the time of the Senate going over each and every earmark. However, a detailed listing of the many earmarked projects proposed in this bill and committee report are available from my office and can also be obtained from my website.

Finally, I would like to express my grave concerns over a provision that would prevent certain very critical motor carrier safety functions from being administered by the Federal Highway Administration. Such a prohibition could be of grave consequence to the road traveling public and is shortsighted at best.

Last year an attempt was made by the House Appropriations Committee to strip FHWA from its authority over

motor carrier safety matters. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation safety policies, including motor carrier and passenger vehicle safety, I opposed this proposal, in part because it had never been considered by the authorizing committees of jurisdiction. The provision was ultimately not enacted and I pledged that I would work to address motor carrier safety concerns in this Congress. I have lived up to this commitment.

At my request, the Inspector General of the Department of Transportation conducted a comprehensive analysis of federal motor carrier safety activities. Serious safety gaps have been identified, and as such, the authorizing Committees of jurisdiction have been working to move legislation to improve motor carrier safety. The Commerce Committee held a hearing on my specific safety proposal and we expect to mark up that measure during the next Executive session. Indeed, we are working to move legislation through the regular legislative process.

In my opinion, it is very short-sighted and a serious jeopardy to public safety if Congress shuts off funds for motor carrier safety activities within the Department of Transportation. For example, under the conference agreement, the Department would not be permitted to access civil penalties for motor carrier safety violations. According to DOT, ''this provision would effectively shut down our safety enforcement program.'' While I am aware safety improvements are necessary and am working to accomplish those needed improvements, stipping critical authority is not in the interest of truck safety. I would urge the President to veto this legislation due to this unwise and unsound provisions and permit the authorization process to proceed responsibly.●

● Mr. REED. Madam President, I rise to address an issue of great importance for our Nation's environment and economic security.

Today the Senate will pass the fiscal year 2000 Transportation Appropriations bill. In that bill, for the fifth year in a row, is a House-passed rider that would block the Department of Transportation from conducting a legislatively-mandated study of Corporate Average Fuel Economy Standards.

The current CAFE standard for passenger cars is 27.5 miles per gallon, while the standard for so-called ''light trucks'', including SUVs and minivans, remains at just 20.7 miles per gallon. Today, with SUVs and minivans accounting for almost half of all new cars sold in the United States, we need to give serious consideration to improving fuel economy standards for these vehicles. By doing so, we could cut harmful air pollution, help curb global warming, and reduce the amount of gasoline we consume. The existing CAFE standards save more than 3 million barrels of oil every day. Improving these standards, particularly for light trucks, is especially important when our nation is importing increasing amounts of oil every year.

For the past four years, Congress has denied the American people access to existing technologies that could save them thousands of dollars at the gas pump, technologies that the auto industry could implement with no reduction in safety, power, or performance.

The House rider blocking consideration of improved CAFE standards was attached to the DOT spending bill without any hearings or debate. While I will not object to passage of this important appropriations measure today, I want to state in the strongest terms my disappointment, shared by many of my colleagues, that the statutory requirement to study ways to improve fuel efficiency standards is being blocked.

We should lift this gag order and give the Department of Transportation the opportunity to consider this important issue.●

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I now withdraw the committee amendments.

The committee amendments were withdrawn.

AMENDMENT NO. 1891

(Purpose: To authorize appropriations for the Federal Aviation Administration, and for other purposes)

Mr. GORTON. Mr. President, I send a substitute amendment to the desk for Senator MCCAIN, myself, and Senator ROCKEFELLER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. GORTON, and Mr. ROCKEFELLER, proposes an amendment numbered 1891.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. FITZGERALD addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold for a moment.

The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to and considered as original text for the purpose of further amendment.

Mr. FITZGERALD. I object.

The PRESIDING OFFICER. An objection is heard.

Mr. GORTON. Mr. President, we will take such measures as are necessary to see whether or not the objection can be withdrawn or we will simply go ahead and debate the substitute amendment. Let me add three other matters.

First, we will attempt to get a unanimous consent agreement on the filing of amendments as early and as promptly as we possibly can so debate can be carried forward.

Second, as Senator ROCKEFELLER pointed out, there are two additional amendments to this substitute amendment that can be put up whether or not the substitute amendment has been agreed to. One has to do with the air traffic control system and its modernization.

Senator ROCKEFELLER and I and many others, as the Senator from West Virginia pointed out, have worked diligently in that connection, and we believe that proposal now is not controversial, though it is of vital importance and we hope it can be agreed to promptly.

The other amendment, of course, is the amendment dealing with slots at the four or five busiest airports in the country. There may be some controversy in connection with that amendment. In any event, we hope that each of those amendments will be adopted relatively promptly. Members are urged to bring their amendments to the floor or to speak to the managers about concerns they have that may be solved relatively easily.

Under the statement made earlier today when this session of the Senate began, it is at least possible there will be further votes on this bill today after the vote on the Transportation appropriations bill at 5:30 p.m. In any event, there certainly will be by tomorrow. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I appreciate the comments of the manager of the bill and also the distinguished Senator from West Virginia. One thing I want to make clear, contrary to the statement of the Senator from West Virginia, is that at least this Senator from Illinois does not believe he was involved in any of the negotiations, certainly not with respect to this last-minute attempt to entirely lift the high density rule that has governed three of our Nation's most crowded and congested airports since the late 1960s.

Going back to the 1960s, the FAA has had a rule in effect that limits operations at Chicago O'Hare International Airport to 155 operations an hour. The reason for that rule was that the airport was at capacity and adding more operations per hour would add to delays and jeopardize the safety of the flying public.

This original bill had an exemption for 30 new slots that the FAA could grant at O'Hare. I had misgivings about even those 30 exemptions for new flights at O'Hare, and I had been working with the chairman of the Commerce Committee on that issue, going back several months. But this was at the last minute. In fact, I read it in the newspaper today that a deal had been cut behind the scenes to go ahead and lift the high density rule altogether.

I think that is a grave mistake that could jeopardize the safety of our flying public in the United States. I fly out of O'Hare International Airport every week. In fact, I live 12 miles from it. As I grew up, that airport grew up. It grew into the busiest airport in the world. Anybody who has been there this year knows that it is so crowded and congested that there are constant delays at O'Hare. In fact, a report that came out earlier this year suggested there are more delays at O'Hare International Airport than at any other major airport in the country.

In 1995, when Congress considered lifting the high density rule, the FAA commissioned a study to look into what would happen if they lifted the high density rule. That study concluded it would be a great mistake to lift the high density rule because it would further add to delays at O'Hare and some of the Nation's other slot-controlled airports.

When there are massive delays at O'Hare, it pressures the air traffic controllers to hurry up and get more flights in the air to alleviate those delays. Sometimes there are 100 flights waiting to take off at O'Hare International Airport. Lifting the high density rule says that maybe sometimes we will have 200 flights waiting to take off on the runways at O'Hare. With that kind of pressure on the air traffic controllers, certainly there is the possibility to do something unwise and to make too many flights take off too close to each other, which could risk the lives of passengers in this country.

I am here to tell you that if one passenger dies in the United States because this Congress, going along with pressure from United and American Airlines, which already have 80 percent of the market in Chicago O'Hare and want more of it and are trying to block the construction of a third airport in Chicago because they do not want anybody else to have any of the market in Chicago, if in responding to pressure from those airlines, we are going to add so many more flights at O'Hare that we jeopardize the life of just one passenger in this country, then we have made a horrible, grave mistake.

Thus, I will be here everyday this bill is up, and I will fight doing that. I look forward to working with the managers of the bill to possibly address my concerns.

I was elected, in part, on this issue, and my predecessor, Carol Moseley-Braun, in fact, last year when there was a proposal to add just 100 more slots at O'Hare, fought that. She thought she had an agreement to lower that to 30 more slots that could be sparingly granted by the FAA, if all sorts of certain criteria were met.

Now it appears there is an effort on the part of those who have negotiated this bill to run roughshod over all those conversations with Senators from Illinois and go ahead and say the sky is the limit at O'Hare.

It is interesting; last week, Mayor Daley from Chicago was trying to fly to Washington. We had a Taste of Chicago party on the House side of the Capitol. It was a huge party. There were 500 people from Chicago willing to celebrate the Taste of Chicago in Washington. Unfortunately, the mayor of Chicago was stuck on the tarmac at O'Hare for 4 hours because of delays. It is too crowded and it is too congested.

Fortunately, thus far, the air traffic controllers have managed the traffic and the delays there, and they have not felt pressured into doing something unwise. But it is very possible that we could put so much pressure on those air traffic controllers and those pilots that a mistake could be made and we could jeopardize the safety of the flying public.

So I will be here to fight the lifting of those caps at O'Hare. We have to come up with some other solutions. I do agree we want competition amongst our airlines. Certainly with the situation at O'Hare, where you have two airlines, United and American, that control 80 percent of the slots, they don't want anybody else to cut into their monopoly there. Thus, they don't want any more air capacity outside of O'Hare in Chicago. I understand that. That has created problems. I want to work to solve those problems with the Members of this body. But I do not think we should do it in such a way that we cause more delays at O'Hare, which puts more pressure on our air traffic controllers, our pilots, and our whole infrastructure in aviation, and potentially jeopardizes the safety of the flying public.

Mr. President, thank you very much.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that Stanley Bach of the Congressional Research Service be granted the privilege of the floor during the Senate's consideration of S. 82.

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

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that Evelyn Fortier of my office be granted the privilege of the floor during the Senate's consideration of S. 82.

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

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FITZGERALD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. AKAKA. 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. AKAKA. Mr. President, I am pleased to rise in support of S. 82, the Air Transportation Improvement Act of 1999. This measure will enhance the safety and efficiency of our air transportation system. The residents of Hawaii, a State that is perhaps more dependent on air transportation than any other, stand to benefit significantly from this legislation.

Today I want to speak to title VI of the bill which addresses the issue of air tour operations at national parks. Title VI establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. The legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with public input from stakeholders, to develop an air tour management plan for parks currently or potentially affected by air tour flights.

Under this process, routes, altitudes, time restrictions, limitations on the number of flights, and other operating parameters could be prescribed in order to protect sensitive park resources as well as to enhance the safety of air tour operations. An air tour plan could prohibit air tours at a park entirely, regulate air tours within half a mile outside the boundaries of a park, regulate air tour operations that impact tribal lands, and offer incentives for the adoption of quieter air technology.

S. 82 also creates an advisory group comprising representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

As embodied in the air tour management plan 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 commercial aviation needs can be addressed in the

context of the unique circumstances that exist at individual national parks.

In other words, an air tour management plan for Yosemite in California may differ significantly from a plan for the Florida Everglades, in order to take into account differences in terrain, weather, types of resources to be protected, and other factors. What is important about this bill is that it establishes a uniform procedure, with common regulatory elements, that will address overflight issues on a consistent basis across the nation, while allowing for local variations.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialogue among diverse stakeholders, mirrors key elements of legislation—the National Parks Airspace Management Act, cosponsored by my colleagues Senator INOUYE and Senator FRIST—that I promoted in several previous Congresses.

Title VI also reflects the hard-won consensus developed by the National Parks Overflights Working Group, a group comprising industry, environmental, and tribal representatives, which worked for many months to hammer out critical details embodied in the pending measure.

Adoption of this bill is essential if we are to address effectively the detrimental impacts of air tour activities on the National Park System. Air tourism has significantly increased in the last decade, nowhere more so than at high profile units such as Grand Canyon, Great Smoky Mountains, as well as Haleakala and Hawaii Volcanoes national parks in my own State. A major 1994 Park Service study indicated that nearly 100 parks experienced adverse park impacts. That number has assuredly risen since then. Such growth has inevitably conflicted with attempts to preserve the natural qualities and values that characterize many national parks, in some instances seriously.

While air tour operators often provide important emergency services, enhance park access for special populations such as the handicapped and elderly, and offer an important source of income for local economies—notably tourism-dependent areas such as Hawaii—unregulated overflights have the potential to harm park ecologies, harm wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations can also pose a safety hazard to air and ground visitors alike. The tragic crash of an air tour on the Big Island of Hawaii last week which killed nine people, is a stark reminder of the dangers inherent in air travel.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interest 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's initial, but ultimately limited, attempt to come to grips with the overflights issue. S. 82 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 balancing the needs of air tour operators against the imperative to preserve and protect our natural resources.

The overflights provisions of this bill are the consequence 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 form the underpinnings of this legislation; representatives of aviation and environmental advocacy organizations such as Helicopter Association International, the U.S. Air Tour Association, the National Parks and Conservation Association, and the Wilderness Society; and, officials of the FAA and Park Service.

From the Park Service, in particular, I recognize Jackie Lowey, Wes Henry, Marv Jensen, Sheridan Steele, Ken Czarnowski, and Dave Emmerson, all of whom worked directly on this legislation. And I would be remiss if I did not recognize the unsung contributions of Ann Choiniere of the Commerce Committee staff and Steve Oppermann, formerly of my staff and more recently a consultant to the Park Service, who spent countless hours shaping the details in this bill.

However, title VI is, above all, the product of the energy and vision of my friend and colleague from Arizona, Senator 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 been relentless in his quest to impel progress on this subject. For his leadership in writing the overflights provisions of this bill, and for his decade-long fight to preserve natural quiet in our national parks, Senator MCCAIN deserves the lasting appreciation of all those who believe in maintaining the integrity of the National Park System.

Mr. President, in conclusion, I am pleased to have been involved in developing legislation 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, resources that must be protected at all costs. I believe that title VI of the pending measure reasonably and prudently balances these sometimes opposing considerations, and I urge my colleagues to support this legislation.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

Mr. SMITH of New Hampshire. 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. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak as in morning business for not to exceed 15 minutes.

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

THE PANAMA CANAL

Mr. SMITH of New Hampshire. Mr. President, there are a lot of things going on in the world. Sometimes there is so much going on that we forget some of the more important things. What I would like to do is to remind my colleagues and the American people that, as of today, there are 88 more days before the United States of America loses its right to the Panama Canal.

It is also interesting to point out that these little flags on this chart—in case someone may not know what they are—are Communist Chinese flags. So I am going to place another one over October 4 and note that in 88 days the Chinese Communists are going to have control over both ends of the Panama Canal.

It is amazing to me that in the Presidential debates—not formal debates but in the discussions of Presidential politics—we did not even hear anything about this. Yet here we are, the nation that is probably the largest threat to the United States of America is now going to control the Panama Canal and not a whimper comes from this administration.

So I am going to be on the floor of the Senate almost every day I can—at least every day that is a business day—to remind the American people and the administration that we are now going to allow the Communist Chinese flag to be hoisted over that canal, which we once controlled, which we, unfortunately, gave away during the Carter administration.

The Panama Canal Treaty requires the U.S., by the date of December 31, 1999, to relinquish its bases in Panama.

The Panama Canal—a monument to American engineering, American construction, American ingenuity—is among the world's most strategic waterways and remains critical to U.S. trade and national security.

In case anybody is interested, the United States has invested $32 billion of taxpayer dollars in that canal since its inception. It remains a critical artery for our Navy and Merchant Marine, with an estimated 200 Navy passages a year going through that canal.

On December 31, the Communist Chinese flag will control both ends of that canal.

Mr. President, 15 to 20 percent of total U.S. exports and imports transit

the canal, including approximately 40 percent of all grain exports.

Before the canal was constructed, the voyage around Cape Horn required 4 or 5 months. The Colombian Government was assessing differential duties which made transisthmian travel prohibitive, even under ordinary circumstances.

Traveling the United States from coast to coast took 8 or 9 months and sometimes fighting Indians. That was how long ago. Today, that canal saves 8,000 miles and 2 weeks over the Cape Horn route.

Public opinion in the United States towards construction of a canal was galvanized by the voyage of the battleship U.S.S. *Oregon* from the Pacific around Cape Horn, joining Admiral Sampson's fleet in battle against the Spanish fleet of Cuba in 1898. The *Oregon* arrived just in time to engage in the last naval battle of the Spanish-American War, the Battle of Santiago.

In Teddy Roosevelt's first message to Congress, he described the canal as the path to a global destiny for the United States and said:

> No single great work which remains to be undertaken on this continent is of such consequence to the American people [as the Panama Canal].

In 1918, Teddy Roosevelt warned against internationalism of the canal:

> . . . we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike, but in time of war our interest at once becomes dominant.

There has been lots of talk about the potential perils of Y2K, which is also going to take place on January 1 or at the end of this year. For me, the complete transfer of the Panama Canal by December 31 is the biggest Y2K challenge facing America, and the clock is ticking. There is the countdown—88 days until we lose not only the canal but the access, coming in and out of that canal.

This August, President Clinton awarded former President Jimmy Carter the Presidential Medal of Freedom. Now the Carter foreign policy legacy, the giveaway of the Panama Canal and normalized relations with the Communist People's Republic of China, has come full circle with ominous consequences.

Panama City's deputy mayor, Augusto Diaz, states:

> If Red China gets control of the canal, it will get control of the government. . . . The Panama Canal is essential to China . . . if they control the Panama Canal, they control at least one-third of world shipping.

Already the PRC is the largest goods provider into Panama's free zone, at $2 billion a year. The People's Republic of China is the largest user of the canal, after the United States and Japan, with more than 200 COSCO ships alone transiting the waterway annually.

The United States has already shut down its strategic Howard Air Force Base. Howard Air Force Base has also served as the hub of counternarcotics operations with 2,000 drug interdiction flights a year. By the approaching deadline, we will also have given up in Panama Rodman Naval Station, the Fort Sherman Jungle Operations Training Center, and other important facilities.

The Clinton administration was supposed to be working towards negotiating an arrangement with Panama that would have allowed for a counterdrug center, but even that option has fallen apart. In September, the administration announced the collapse of 2 years of talks on a multinational counternarcotics center.

More than 2 decades ago, then-Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer warned the Senate Foreign Relations Committee that the U.S. withdrawal from Panama would occasion a dangerous vacuum that could be filled by hostile interests. His comments were very prophetic.

In 1996, while China was illegally secreting millions of dollars through conduits into the Clinton reelection coffers, it is alleged that it was simultaneously funneling cash to the Panamanian politicians to ensure that Chinese front companies would control the Panama Canal.

When is America going to wake up? When are the American people going to wake up?

Hutchison Whampoa, a Hong Kong company controlled by Chinese operatives, will lease the U.S.-built port facilities at Balboa, which handle ocean commerce on the Pacific side, and Cristobal, which handle commerce on the Atlantic side. A Hong Kong company will control—remember, Hong Kong is now part of the PRC. Its chairman is Li Ka-shing, who has close ties to the Chinese Communist leaders and a de facto working relationship with the People's Liberation Army. Li is a board member of the Chinese Government's primary investment entity, CITIC, China International Trust & Investment Corporation, run by PLA arms trafficker and smuggler Wang Jun. That is the Hong Kong company that will control this canal in 88 days.

Insight magazine published an article maintaining that Li serves as a middleman for PLA business operations, including financing some of the controversial Hughes and Loral deals which transferred weapons technology to the PRC. He has also been an ally of Indonesia's Riady family and the Lippo Group, so deeply implicated in the illegal Chinese/Clinton fundraising scandal.

Hutchison Whampoa's subsidiary runs the Panama Ports Company which is 10-percent owned by Chinese Resources Enterprise. CRE was identified by the Senate Governmental Affairs Committee as a vehicle for espionage—economic, political, and military—for China. Does anybody care? One of the favorite expressions among preachers is: Hello. Does anybody care? Is anybody listening? This is Communist China in the Panama Canal that we built, that we maintained, for $32 billion. Not a whimper. Nobody is talking about it, let alone doing anything about it. Nobody cares. Where is the administration?

In addition to concerns about Chinese objectives in securing Balboa and Cristobal ports, Panama is in the front lines of the U.S. fight against narcoterrorism principally exported by the FARC, revolutionary armed forces of Colombia, in Colombia. A week after closure of Howard Air Force Base, heavily armed FARC members were interviewed in full combat regalia on Panamanian television, operating in Panamanian territory.

U.S. Southern Command Chief, General Charles Wilhelm, testifying before the Senate Foreign Relations Committee in June, said Panamanian security forces were undermanned and ill equipped to deal with growing threats from Colombian guerrilla incursions and drug traffickers. Colombia is the source of an estimated 80 percent of the world's supply of cocaine and the source of 75 percent of heroin seized in the United States. The FARC is known to have ties to the Russian mafia. That canal will be a great opportunity for them.

Public opinion polls in Panama indicate that between 70 and 80 percent of the Panamanian people support an ongoing U.S. security presence in their country. Alternative sites for counterdrug operations, the so-called FOLs, or forward operating locations, are expected to cost hundreds of millions of dollars for infrastructure building and fees. We have no assurance that even if we build the infrastructure, we can stay in the designated FOLs for any extended time.

Another issue that must be raised is that of the corrupt and unfair bidding process surrounding the 25-year-plus leasing arrangement, with an option for another 25 years, with Hutchison Whampoa. The then-U.S. Ambassador to Panama, William Hughes, protested this corrupt bidding process, and American and Japanese firms lost out because of the stacked deck. No help from the administration.

Ambassador Hughes came close to being declared persona non grata for protesting the rigged deal 3 years ago. It should be noted that Hughes is now parroting the administration's line on Panama and the PRC. President Clinton then appointed Robert Pastor, architect of the 1977 canal surrender. He appointed him, and Pastor's nomination was blocked by Foreign Relations Committee Chairman JESSE HELMS.

Six U.S. Senators, in May 1997, charged in a letter to the Federal Maritime Commission that there were irregularities in the bidding process, which denied U.S. firms an equal right to develop and operate terminals in Panama. The Commission acknowledged that the port award process was unorthodox and irregular by U.S. standards.

In 1996, Panama asked a Seattle-based company to withdraw a successful bid for Cristobal—a successful bid—

on the grounds that it would give the U.S. firm a monopoly because of its existing business in Balboa. In 1997, Panama gave the leasing deal to Hutchison Whampoa for both ports. With the introduction of Hutchison Whampoa, there follows real concern that Chinese organized criminal organizations involved in drug trafficking, guns, and smuggling of illegal aliens will ensue. COSCO, mentioned earlier—another Chinese-run firm that tried to lease the Long Beach Naval Shipyard—owned the ship which entered Oakland containing smuggled AK–47s intended for the street gangs of Los Angeles. And we almost had that firm in control of the Long Beach Naval Shipyard. Two firms with ties to the PLA and the Chinese Government were under Federal investigation for the smuggling attempt. While the U.S. Government is equipped to deal with this type of threat, Panama, with no standing army, is not.

The United States and Panama have security provisions in existing treaties under which we could negotiate joint security initiatives to address our common interests.

Eighty-eight days, Mr. President. Eighty-eight days. That is what we have left to get it done.

The major obstacle appears to be an unwillingness of this administration to preserve a presence in Panama and a tendency to downplay the significance of Chinese acquisition of the twin ports.

The 1977 treaty gives the United States the right to defend the Panama Canal with military force. The United States attached a condition, known as the DeConcini condition, which stated that if the canal were closed, or its operations interfered with, the United States and Panama would have the right to take steps necessary, including use of military force, to reopen the canal or restore operations in the canal. This modification was never ratified in Panama and met with protest by the Torrijos regime. Panama's version of the treaty denies unilateral defense rights to the United States. Some believe that Panama and the United States cloaked the differences in order to avoid a Senate vote on the issue and a plebiscite in Panama. In fact, the Senate turned back a series of amendments that would have required the treaties to be renegotiated and resubmitted to the Panamanians for another referendum.

The DeConcini condition, because it was attached to the Neutrality Treaty, remains in force permanently. But as former Admiral and Joint Chiefs Chairman Thomas Moorer noted, how does the ''right'' to go into the canal with force compare to the advantage of defensive bases that could prevent the takeover of the canal by an enemy?

A new Panamanian law gives this company, Hutchison Whampoa, the ''first option'' to take over the U.S. Naval Station Rodman and other sites. Panamanian law also gives the Chinese company the right to pilot all vessels transiting the canal. Admiral Moorer warned the Senate last year that our Navy vessels could be put at risk since Hutchison Whampoa has the right to deny passage to any ship interfering with its business, including U.S. Navy ships.

It is of interest to note a 25-percent leap in immigration to Panama from the PRC over the past few years—a 25-percent increase in immigration to Panama from the PRC. Beijing has used large-scale emigration as the basis for future intelligence recruits, with Panama a key target. Stanislav Lunev, a defector and former Soviet military intelligence colonel, claimed Chinese intelligence succeeded because of their ability to exploit the vast emigration of Chinese to communities across the world.

Eighty-eight more days, Mr. President. Eighty-eight more days.

The Congressional Research Service's August 1999 Issue Brief on China addresses a Chinese immigrant scandal. Panamanian visas were sold for as much as $15,000 to Chinese citizens who would fly from Hong Kong to Costa Rica, where smugglers would guide them through Central America and Mexico into the United States. Then President Balladares fired his head of intelligence as a result of the scandal—another issue which causes consternation among Americans with regard to Panama's ability to deal with its China problem.

If I could put it bluntly, this administration has dropped the ball big time. The House Subcommittee on the Western Hemisphere stated in March 1995 that over 80 percent of Panamanians favor some sort of U.S. military presence in their country. A September 1997 poll found that 70 percent believe that some U.S. bases should remain after the end of this year.

Eighty-eight more days.

More recently, a May 1998 poll showed that 65 percent of Panamanians support the concept of a multinational counterdrug center.

Despite public support—as high as three-fourths of the people in Panama wishing for the United States to stay in some capacity—this administration appears wedded to an unconditional pullout, an unconditional surrender toward a ''cooling off'' period that could allow the PRC to consolidate a new strategic toehold in Panama.

The Panama Canal Treaty was negotiated between President Carter and Panamanian dictator Omar Torrijos. It doesn't reflect public opinion in Panama. It did not, arguably, reflect public opinion in the United States.

When Operation Just Cause was launched in 1989, following the deaths of American soldiers and civilians in Panama, the United States intervened to safeguard American lives, to defend democracy in Panama, to combat drug trafficking, and to protect the integrity of the Panama Canal Treaty. It would be a shame if, because we fail now to protect Panama and the common security interests of the United States, to risk military intervention in the future.

Finally, a Pentagon spokesman has dismissed the notion that the United States should even worry about Chinese encroachment in Panama. Don't worry about it. According to an AP story, Admiral CRAIG Quigley said:

> We have nothing to indicate that the Chinese have the slightest desire to somehow control the Panama Canal. . . . And we don't consider this a security issue at all. It is a business issue.

Hello. Is anybody listening out there in the administration? What are we saying? Eighty-eight more days and they will control both ends of it. But, according to Quigley:

> We have nothing to indicate that the Chinese have the slightest desire to somehow control the Panama Canal. . . . And we don't consider this a security issue at all. It is a business issue.

That is what he says: ''It is a business issue.'' Yes, it is a business issue all right—between the Chinese Government and Panama, to our detriment. There isn't any private business in China. It is all done by the Government. That is business as usual in the Clinton White House. This is a serious mistake that will in the future cost us dearly in terms of our national security.

This is the same Red China that has labeled us their ''No. 1 enemy;'' the same China that has sought to steal all of our nuclear weapons secrets from our DOE labs; the same China that sought to buy the 1996 Presidential election, and massacred students at Tiananmen Square; the same China which has committed genocide in Tibet and which is supplying state sponsors of terrorism in Iran, Libya, Syria, and North Korea; the same China that has provided missiles and other weapons of mass destruction and technology to be sent around the world; the same China that threatened a nuclear attack on California and which has implied it would use the neutron bomb against Taiwan.

Here is the flag right here. Eighty-eight more days. In 88 more days, it will be hanging on a mast over that canal. That is the flag. That is also the flag of a country to which, right here in this Senate, a majority of my colleagues, I regret to say, said we should provide most-favored-nation status.

In conclusion, the United States should re-engage the new government of Moscoso on the issue of a continued U.S. presence. General McCaffrey, the drug czar, has shown a renewed interest on what he now calls an emergency situation in Colombia, albeit several years after the State Department and the Clinton administration stalled, thwarted, and blocked congressional efforts to assist Colombia's antinarcotics police in its fight against the FARC.

Despite these differences over tactics in the drug war, McCaffrey stands out in the Clinton administration as someone who cares about the drug problem.

But this is bigger than drugs. This is drugs—there is no question about it—but it is also the national security of the United States.

We could also urge the new Panamanian Government to conduct a referendum on maintaining a U.S. presence. No one is talking to them about that. We could urge reopening of the bidding process to be more fair and equitable, and to ensure that no hostile powers are permitted to bid. We are not doing that either.

The canal was built at a tremendous expense—$32 billion—and at the sacrifice of thousands of American lives. What a pity, the good working relationship that has developed between Panama and the United States to be lost because of the ineptitude and indifference of people in the State Department and the Defense Department of this administration. If this administration remains blind to the threat facing Panama, it is incumbent upon this Congress to make the case to the American people, to the new government in Panama, and to the Panamanian people.

That is exactly what I intend to do on this floor every day that I can get the time and the floor to do it between now and December 31. I am going to be posting another flag each day to remind the American people that we are getting closer and closer and closer to the People's Republic of China—Communist China—controlling both ends of the Panama Canal—the country that has trampled the rights of Tibetans, that threatened to run over its peaceful protesters with tanks, that has stolen our nuclear secrets, that funneled money into our Presidential campaigns, and purchased or stolen other targeting devices to target our cities, and, frankly, threatened the country of Taiwan, and even threatened California if we step in. What do we do on the Senate floor? Not only do we let them take the canal, but we also give them most-favored-nation status.

At some point, the American people are going to have to wake up. I don't know when it is going to be. But I hope it is not too late.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business for up to 20 minutes.

Mr. GORTON. Mr. President, we are trying to get moving on the FAA authorization bill. Will the Senator from Wisconsin agree to shorten his remarks, if we are ready to go? We are still trying to negotiate.

Mr. FEINGOLD. Mr. President, I would be happy to shorten my remarks in the necessity to move forward.

Mr. GORTON. I thank the Senator for his courtesy. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Washington.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1636 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FEINGOLD. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. GORTON. Madam President, I now ask unanimous consent that the substitute amendment I presented earlier today be agreed to and be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1891) was agreed to.

AMENDMENT NO. 1892

(Purpose: To consolidate and revise the provisions relating to slots and slot exemptions at the 4 high-density airports)

Mr. GORTON. Madam President, I now send an amendment to the desk for myself, for Mr. ROCKEFELLER, for Mr. GRASSLEY, for Mr. HARKIN, and for Mr. ASHCROFT, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT, proposes an amendment numbered 1892.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GORTON. Madam President, I am going to explain this amendment in some detail, as it has been the subject of both long negotiations and much controversy internally in the Commerce Committee in the almost 7 months since the Commerce Committee bill was reported to the floor, and today.

I will say right now, for my friend and colleague from Illinois, after I have spoken on the amendment and Senator ROCKEFELLER has made any remarks on the amendment that he wishes, at the reasonable request of the Senator from Illinois, after any remarks he wishes to make, we will not take further action on this amendment today. The Senator from Illinois may have an amendment to this amendment. He may simply debate against and speak against the passage of this amendment. He prefers to do that tomorrow. At least informally, I will undertake that it will be the first subject taken up tomorrow. I am not certain I can give him absolute assurance of that, but I believe it should be the first subject taken up tomorrow, the debate to take place on it, and the positions of the Senator from Illinois presented.

There are other Members of the body who may also wish to amend this amendment. This amendment is central to this overall debate. Once we have completed action on this amendment, I suspect most of the other amendments to the bill will require much less time and will be much less controversial.

In any event, the background to the high density rule that is the central subject of this amendment is this: In 1968, that is to say, 31 years ago, the Federal Aviation Administration established a regulation to address serious congestion and delay problems at five of the nation's airports. That regulation, known as the high density rule and implemented in 1969, governed the allocation of capacity at Chicago O'Hare, Washington National, and JFK, LaGuardia, and Newark airports in the New York City area. Newark was later exempted from the rule, so it now applies only to four airports.

The high density rule allocates capacity at the four airports by imposing limits on the number of operations (takeoffs or landings) during certain periods of the day. The authority to conduct a single operation during those periods is commonly referred to as a ''slot.''

The Gorton/Rockfeller amendment consolidates all of the negotiated agreements to lift the high density rule, the slot rule, at Chicago O'Hare, LaGuardia, and JFK, and to ease the high density rule and the perimeter rule restrictions at Reagan National.

With respect to Chicago O'Hare, the amendment would eliminate the high density rule at O'Hare, effective April 1, 2003.

Regional jets and turboprops would be exempt from slot requirements effective January 1, 2000, for service to airports with fewer than 2 million annual enplanements. There are two additional conditions that would have to be met before carriers could take advantage of this interim regional jet/turboprop exemption. First, there could be no more than one carrier already providing nonstop service to that airport from O'Hare. Second, the exemption would only be available for new service in the market, such as when a carrier is adding a frequency to the applicable market, or upgrading the aircraft that provides its existing service in the market from a turboprop to a regional jet.

Regional jets would be defined as aircraft having between 30 and 50 seats.

Limited incumbent air carriers would also be exempt from the slot requirements at O'Hare, effective January 1, 2000. The terms ''new entrant'' and ''limited incumbent'' air carrier are often used interchangeably. Limited incumbent air carriers are currently defined as those carriers that hold or operate 12 or fewer slots at a high density airport. The Gorton/Rockefeller amendment would redefine limited incumbents as those carriers that hold or operate 20 or fewer slots at a high density airport. The limited incumbent would be exempt from the high density rule only if they were providing new service, or service that they were not already providing in a market

The Department of Transportation would be required to monitor the flights that are operated without slots under the exemption from the high density rule. If a carrier was operating a flight that did not meet the specified criteria, the Department of Transportation would be required to terminate the authority for that flight.

O'Hare is currently slot controlled from 6:45 a.m. to 9:15 p.m. The amendment would reduce the slot controlled window at O'Hare from 2:45 p.m. to 8:15 p.m., effective April 1, 2002.

International service to O'Hare would be exempt from the slot requirements beginning April 1, 2000, except or foreign carriers where reciprocal access to foreign airports for United States carriers is not available.

Carriers would be required to continue serving small hub and nonhub airports where the carrier ''provides air transportation of passengers . . . on or before the date of enactment'' of the bill using slot exemptions. This period of required service at O'Hare would last until March 31, 2007. A carrier could get out from under these requirements if it could demonstrate to DOT that it is losing money on the route.

The amendment would terminate the high density rule at LaGuardia and JFK, effective calendar year 2007.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. There are two additional conditions that would have to be met before carriers could get a regional jet slot exemption. First, there could be no more than one carrier already providing nonstop service to that airport from LaGuardia or JFK. Second, the exemption would only be available for new service in the market, such as when a carrier is adding a frequency to the applicable market, or upgrading the aircraft that provides its existing service in the market from a turboprop to a regional jet.

Regional jets would be defined as aircraft having between 30 and 50 seats.

Limited incumbent air carriers would also be eligible for slot exemptions at LaGuardia and JFK. Limited incumbent air carriers are currently defined as those carriers that hold or operate 12 or fewer slots at a high density airport. The Gorton/Rockefeller amendment would redefine limited incumbents as those carriers that hold or operate 20 or fewer slots at a high density airport.

The amendment would ease the current criteria that enable new entrant/limited incumbent air carriers to acquire slot exemptions. The Department of Transportation is currently authorized to grant these slot exemptions when to do so would be in the public interest, and when circumstances are exceptional. On most occasions, DOT has interpreted the ''exceptional circumstances'' criterion to mean that there is no nonstop service in the route proposed to be served. In other words, DOT would grant an exemption only when there is no service between the city proposed to be served and the high density airport. The amendment would eliminate the ''exceptional circumstances'' criterion.

The amendment would establish a 45-day turnaround for all slot exemption applications submitted to the Department of Transportation. If the Department does not act on the application within 45 days, it would be deemed to be approved and consequently the carrier could initiate the proposed service.

Carriers would be required to continue serving small hub and nonhub airports where the carrier ''provides air transportation of passengers * * * on or before the date of enactment'' of the bill using slot exemptions. This period of required service at LaGuardia and JFK would last until calendar year 2009. A carrier could get out from under these requirements it it could demonstrate to DOT that it is losing money on the route.

Next Reagan National. The amendment would establish 12 perimeter rule/slot exemptions for service beyond the 1,250-mile perimeter. To qualify for beyond-perimeter exemptions, the proposed service would have to provide domestic network benefits or increase competition by new entrant air carriers.

The amendment would establish 12 slot exemptions for service within the perimeter. Carriers could only apply to serve medium hubs or smaller airports from Reagan National.

The amendment would establish a 45-day turnaround for all slot exemption and perimeter rule exemption applications submitted to the Department of Transportation. If the Department does not act on the application within 45 days, it would be deemed to be approved and consequently the carrier could initiate the proposed service.

On another subject, safety and delays, the Department of Transportation concluded in a 1995 report entitled, ''Report to the Congress: A Study of the High Density Rule'', that changing the high density rule will not affect air safety. According to DOT, today's sophisticated traffic management system limits demand to operationally safe levels through a variety of air traffic control programs and procedures that are implemented independently of the limits imposed by the high density rule. The Department report makes assurances that Air Traffic Control, ATC, will continue to apply these programs and procedures for ensuring safety regardless of what happens to the high density rule.

Many improvements have been made in infrastructure and air traffic management in the 30 years since the high density rule was first implemented, which should allow for additional operations without additional delays.

Improvements on the ground, including high speed runway turnouts, additional taxiways, and larger holding areas at the ends of the runways allow more efficient utilization of the gates and ground facilities and thus increase the capacity at high density airports.

Enroute, approach and departure air traffic management improvements have increased the air space capacity above high density airports.

In 1968 there were no ''flow control'' measures. Aircraft stacked up in the air rather than being planned and routed for arrival. Modern ATC flow control has significantly increased the airspace capacityu, while improving safety.

Greater precision radar has decreased aircraft spacing requirements, thus increasing capacity without sacrificing safety. Further improvements are expected with the existing Global Positioning System, GPS, Technology, allowing for additional capacity increases.

Future initiatives at Chicago's O'Hare and New York's LaGuardia and JFK will permit growth without undue operational delays.

Airspace redesign, essentially the rethinking of the approach, departure and routing of aircraft, was proven effective in a recent pilot project a Dallas-Fort Worth. Redesign efforts are currently underway for the Chicago area and other airports.

Other FAA programs, such as RNAV (area navigation) and the National Route Program, already in use in some locations, will further enhance enroute and terminal capacity.

Technology improvements such as digital data transfer between controllers and pilots, automation tools for managing traffic flows, and precision location devices such as GPS will greatly increase capacity throughout the national airspace system.

The recent ATC problems were due in part to the unique combination of adverse weather and the introduction of new systems at key airports. The gradual phaseout of the high density rule will allow time to fix these problems, and for the growth in capacity to match the increased air traffic control capability.

The amendment allows 7 years before the slot rule is removed for the New York airports, and more than 3 years for Chicago. This phaseout allows adequate time for the FAA's initiatives to be in place.

Even if there is some increase in delays, in both Chicago and New York,

competitive nearby airports such as Midway and Islip provide a natural safety valve.

Many new entrant carriers operating point-to-point have found that using nearby secondary airports is a profitable way to offer service to major cities. If delays and the associated costs do increase in Chicago and New York's major airports, more operations will naturally move to these secondary airports.

Madam President, that is an explanation both of the details of this amendment and the rationale for the amendment. Again, in connection with the bill as a whole, this represents the level of partnership between Senator ROCKEFELLER and myself, but as broad consultation and as much agonizing discussion over the details as can possibly be imagined under circumstances on a subject so important.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I fully agree with my colleague from Washington. In fact, I have a whole series of pages about various States, various airports, various Senators, and the problems they had—and in one case may still have—with whom we worked out agreements. This was a very arduous process.

An airport is a very large employer when one is talking about the number of planes that can fly in and fly out. Every flight, in fact, represents two slots, a landing and a takeoff. It was a very controversial subject. This is probably the most controversial subject, but we worked a long time to try to work this out. We did it, as the Senator indicated, with an expedited review process in certain places, we did it in good faith, we did it slowly, and we did it over a period of time. We did it, we thought, trying to accommodate as much as possible the needs of individual Senators who, quite naturally, take these things particularly seriously. The Presiding Officer and I wish we had problems of this sort, but for those who do, it is a real problem. We recognized that, and we tried to deal with it in a fair manner.

First, I will not give the full explanation my colleague did, but I will say it is carefully crafted, it is based on compromise, and it balances both the questions of congestion and of noise. There are those who feel strongly about both or one or the other in various proportions. Obviously, all of them represent high-density airports, although it should be said there are a lot more than four high-density airports. Atlanta, for example, is neck and neck with O'Hare in terms of its density, but is not included in the high-density treatment.

I thought the handling of Reagan National was good because we went from 48 slots to 24 slots; 12 outside the perimeter and 12 inside the perimeter. That is good for the Presiding Officer and the present speaker because that allows more entrants into National, and that is desirable.

It also is a fact that this was in the original bill, and it was retained in the substitute. That speaks to something within the authorizing context. In other words, people on the Commerce Committee overwhelmingly believed this was a very important and fair treatment.

We did not make the treatment of every airport exactly the same in terms of the phasing out of the high density rule because not every airport is the same. We did not do it as a collection of our own air genius or mathematical equations; we did it because the FAA advised us very carefully as to what we ought to do on that according to their best calculations. The idea was, instead of gradually phasing out the high density rule altogether, to, rather, establish some interim rules to allow small communities—this is a very important point—to allow small communities and to allow new entrants to get a head start on this process.

If you come from rural America and if you believe in a competitive market system, that becomes extremely important. Small communities do get a head start to add flights and fill capacity in this compromise which has been worked out.

I have explained the Reagan Airport situation.

The amendment, again, specifically protects service to small communities—which is of interest to many of us—under slot exemptions that were previously granted by the Department of Transportation.

It requires that airlines continue the service until 4 years after the lifting of the high density rule at O'Hare—until the year 2007—and 2 years after the lifting of the high density rule at Kennedy and LaGuardia for that purpose.

Understandably, some Members were very concerned. When we began to talk about this, they were very worried it would come off that the airlines, therefore, would have no incentive to keep any of their business in smaller communities or in smaller markets; that they could simply pick up their slots and take them elsewhere.

This amendment prevents them from doing that. It prevents them from abandoning these markets unless, as Senator GORTON indicated, they can prove to the Department of Transportation—which will be under the majority of this body, which is rural or part rural in nature; a lot of pressure—that they are suffering, as they say, substantial losses on these routes. So that is a clear effort to protect service for small communities, and that is something which I value very much.

As Senator GORTON also explained, this amendment expands the definition of a ''limited incumbent.'' These carriers are already serving one of the four high-density airports, but do so with only a very few number of flights. This was of particular value to many of our Midwestern colleagues. There are a whole series of them who, I think, are quite happy as a result of this.

The new definition will give more low-fare, new-entrant carriers access to these major airports. Again, I go back to the philosophy of all of this that, after all, we do have 15, 18 major airports in the country, but fundamentally we are a hub-and-spoke system. And the Presiding Officer and the junior Senator from West Virginia come from States that are spokes; we are not hubs. We never will be. We depend upon carriers that are in the hubs coming out, as they compete in this most competitive of all businesses—in our market system—to compete for new passengers. So they, in classic fashion, have to increasingly come out into the rural areas to draw passengers into their hubs. There will be an amendment about the nature of these hubs to attract them, so they can put them into the bloodstream, so to speak, the flow stream of their business.

In my opening statement, when I talked about the enormous increase in new regional jets which will be taking place in the next number of years, that is one of the reasons the number of these regional jets will be increasing—because they are being sent from hubs out to the smaller areas to pick up passengers, to bring them into the larger hub airports, and then going on to wherever they wish from there.

One very important thing. I am not sure the Senator from Washington said this or not; he probably did, knowing him. There is an important caveat for any change in the high density rule. This is not just something the Congress has such power to decide that we just abrogate or pretend the FAA does not have ultimate understanding of what constitutes safety in a system.

The FAA retains the ultimate authority for air traffic operations, and they have the ability to step in because of safety or delay. They can intervene. They can intervene when they think there is a problem or a crisis. And they can do so on a unilateral basis.

In addition, I might add, both the General Accounting Office and a number of economists, over a lot of years, have pointed out that slot rules, in effect, act as a major barrier to airline competition. That new entry at four airports—there are a lot of people who cannot get into those airports because of the slot rule. Again, the FAA would have to maintain the sureness of safety, and the rest of it, but you want people to be able to get in and out of airports.

As to new technology, if we would only make available the money, they have all kinds of new ways now of charting courses for airplanes, be they commercial or private, which allow a more efficient use of airspace, which we cannot now do because we do not have the technology. Each computer in all of these many centers across the country does not have the ability to differentiate the altitudes or whatever some of the other details are that allow the plotting of air courses. So there is room for more, and in not only the four

high-density airports but also generally speaking.

Then, finally, this amendment does require noise studies. Noise is a factor. Noise is not the only factor in life, but it is a factor. It gives priority to high-density airports. There is the allocation of money for those noise abatement studies.

So I think it is a very good amendment. It certainly is a long-worked-at amendment. I urge my colleagues to join in the adoption of this amendment.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, does the Senator from Illinois wish to make any remarks now or should we just go on to another subject?

Mr. FITZGERALD. Madam President, if I could just take a moment now, I say to the Senator from Washington, I would be happy to take my time tomorrow when we consider the amendment on lifting the high density rule. But if I could just reiterate my opposition to lifting the high density rule.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. As was noted earlier, the FAA imposed the high density rule back in the late 1960s. It was an internal FAA rule. I guess I am a little perplexed as to why Congress would come in and rewrite, with statute, an FAA rule.

If the FAA thinks it is a good idea to lift the slot rules at O'Hare, if they think it is safe to do that, they are confident it will not add to any delays at the most congested, most delay-filled airport in the country, then the FAA can go in and do that. So I guess the threshold issue is, I am perplexed why we would come in and write a statute that overrides a Federal Aviation Administration rule.

I do believe, while the proponents of this proposal have good intentions; they would like to increase competition and access to the Chicago market; and certainly it could be argued that would benefit the whole Nation and could even benefit Chicago—a basic law of physics says that you cannot have two objects occupying the same space at one time.

Right now, O'Hare, which has over 900,000 operations a year, is already at capacity. The FAA commissioned a study in 1995. That study concluded that the absolute maximum number of flights or operations one could have at O'Hare in an hour was 158. Today, we are at 163 operations at O'Hare in an hour. This proposal before the Senate is to lift any restrictions at all.

A flight lands and takes off every 20 seconds at O'Hare. If we want to cram more flights into O'Hare International Airport, are we going to close that 20 seconds that divides each flight going in and out of O'Hare? What is a safe amount of time? Ten seconds between flights? How would you like to be coming in 10 seconds behind the plane in front of you with another flight 10 seconds behind you? Would you feel safe flying that jumbo jet in that compact air space?

Going into O'Hare right now, one can look in every direction and see planes lined up as far as the eye can see waiting to land at O'Hare. In the morning hours at O'Hare, there are typically as many as 100 flights waiting to take off.

I hope the Members of this body will give thought to what we are doing. With this lifting of the high density rule, we are saying it is safe to cram more flights into the most congested airport in the country; that it is not endangering the safety of the flying public and that it won't add delays.

I never did take physics in high school. I have to admit it. I was a classics major. I majored in Latin and Greek. I took a lot of humanities courses and my great interest was not science. But I am going to be interested to hear whether there is some scientific evidence that we can keep packing more and more flights into the most congested, dense, delay-filled, crowded air traffic space in the world. I will be interested to learn why other Members of this body think that is a good policy and why it would be safe.

With that, I look forward to being afforded the opportunity to speak on this matter tomorrow. I thank the distinguished Senators from West Virginia and the State of Washington for conferring with me this afternoon. I look forward to being given the time to address this matter to the full Senate body tomorrow. Hopefully, at that time, more of my colleagues will have arrived, many of whom will have passed through O'Hare and probably some, quite a few, who will have incurred delays on their way passing through O'Hare.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I ask unanimous consent that all first-degree amendments to S. 82 be filed at the desk by 10 a.m. tomorrow, Tuesday, with all other provisions of the consent agreement of September 30 still in effect. This has been cleared on all sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1893

(Purpose: To amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes)

Mr. GORTON. Madam President, I send an amendment to the desk for Senator ROCKEFELLER and myself, and I ask unanimous consent that the pending amendment be set aside so we may consider this one.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 1893.

Mr. GORTON. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GORTON. Madam President, last Friday, I joined my friend and colleague, Senator ROCKEFELLER, in introducing S. 1682. This measure is the culmination of input from a broad range of aviation interests. Senator ROCKEFELLER and I have been holding a series of meetings with industry representatives searching for input on how we can make a positive legislative impact on the current air traffic control system.

Three common themes emerged from these meetings: First, there will be a crisis in the aviation industry if we continue to experience the delays that plagued the system this summer. Second, the Federal Aviation Administration is doing a better job of responding to these problems under Administrator Garvey. The third point is, incremental changes are probably the best approach to take in reforming the system, as much as the Senator from West Virginia and I might very well prefer a more drastic reform.

The amendment we have just introduced is the text of that S. 1682.

Madam President, by now I am sure you have heard the analogy that fixing the air traffic control system is similar to trying to change a flat tire while traveling down the highway at 60 miles per hour. While I don't view the problem as being that daunting, I certainly think we can use a few good mechanics to help get the FAA back on the right track. I think the legislation Senator ROCKEFELLER and I have introduced is a step in the right direction. While I am in favor of an end result that goes much further, positive action is needed. At this time, we cannot let the perfect be the enemy of the good.

Our approach would attack the problem from the management side. It is no secret that the FAA has a history of problems controlling costs and schedules on large-scale projects. We hope the creation of the chief operating officer position, with responsibility for running and modernizing our air traffic control system, will inject the necessary discipline into that system. S. 1682, the current amendment, would also create a subcommittee of the Management Advisory Committee to oversee air traffic control services. Of course, in order for there to be a subcommittee of the MAC, we must first have an MAC. I am assured by the FAA that the Management Advisory Committee will be appointed soon. Let me assure you that this subcommittee chairman will not look favorably on any further delays on this question.

As we prepare to move into the 21st century, the NAS must be prepared to

meet the challenges of increasing demand on an already strained system. A blueprint for this system should be a top priority for the FAA. S. 1682, this amendment, authorizes $12 million a year for the FAA to develop a long-term plan to provide direction. The most radical portion of this bill and the amendment deal with an innovative financing pilot project. This provision would set up a mechanism to establish public-private joint ventures to purchase air traffic control equipment. Ten projects for ATC modernization equipment will be selected, $5 million per project, with a total cap of $500 million. FAA seed money would be leveraged, along with money and input from the airports and airlines, more quickly to purchase and field ATC modernization equipment.

As I stated earlier, this is not the final solution to our air traffic control system woes. We hope, however, that this will be the first step in a long journey to ensure Americans continue to enjoy the safest, most efficient aviation system in the world. I urge my colleagues to join me in support of this amendment.

An oversight committee for air traffic control: The bill and the amendment provide the FAA Administrator with authority to create a subcommittee of the current Management Advisory Committee, a 15-member panel appointed by the President, with the advice and consent of the Senate, to oversee air traffic control services.

A COO for air traffic: The bill and the amendment create a new chief operating officer position with responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and the budget for air traffic services. The COO reports to and serves at the pleasure of the Administrator for a 5-year term. Compensation is comparable to the Administrator's but with the possibility of up to a 50-percent performance bonus at the discretion of the Administrator.

Performance bonus for the FAA Administrator: The bill and the amendment provide a performance bonus for the FAA Administrator at the discretion of the Secretary of Transportation of up to 50 percent of the Administrator's salary.

National Airspace Review and Redesign: The bill and the amendment mandate a review and redesign of the entire country's airspace. They authorize $12 million per year to carry out the project, require industry and State input, and impose periodic reporting.

Cost allocation milestones report: The bill and the amendment require the FAA to provide a report on the progress it is making on the cost allocation system.

ATC joint venture: The bill and the amendment set up a mechanism to establish public-private joint ventures to purchase air traffic control equipment. Ten projects for air traffic control modernization equipment will be selected, $50 million per project, with a total cap of $500 million. FAA seed money will be leveraged, along with money and input from the airports and airlines, more quickly to purchase and field ATC modernization equipment. A portion of the passenger facility charge, 25 cents, could also be used for financing.

That is a brief explanation of the bill and, of course, of this amendment. The Senator from West Virginia and I believe we will probably be able to accept this amendment by a voice vote tomorrow. But we do want it before the body at the present time, so that if anybody has any questions about it or about any of the provisions of the amendment, they may contact us before the proposal comes back up tomorrow. My present intention would be to bring this up for discussion and vote after we have disposed of the early amendment on slots and any amendments to that amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I agree with everything my colleague from Washington has said. I should say that he and I began working on this amendment in earnest a number of months ago when we were in the midst of the summer and the headlines were full of all the problems of the air traffic control system, which were becoming manifest to anybody reading a newspaper, watching television, or listening to the radio.

When I use the word ''troubled'' to describe our air traffic system, I need to be very careful and clear because the FAA, our air traffic controllers, the pilots, and flight attendants in this country have had an air safety record that is extraordinary. It is not only safe but it is a very secure air traffic operation. So people say: Fine. Then why worry about the future?

As I explained in my opening statement, the future is going to bring double, or triple, or quadruple virtually everything—whether it is air cargo, letters, passengers, numbers of aircraft, international traffic, and the rest of it.

Let me assure my colleagues that the word ''troubled'' is not about safety, although we always have to keep our eye on that, but it is about productivity, about capacity, about efficiency, about outdated equipment, about insufficient runways, and insufficient runways that are insufficiently distant from one another; if there happen to be two, or if they happen to be parallel, you can't use them efficiently to land two airplanes at the same time. It is about surging traffic demand, about fractured organizational structure, and it is about us in the Congress; it is about a highly unpredictable, highly irregular process of funding.

Funding the FAA and its air traffic control operation is not at all unlike running IBM or Dell Computer. You are meant to have a business plan, a 5-year outlay of budget, and you are meant to know what kind of equipment you can buy 1 year from now, 2 years from now, 3 years from now, so you can begin to prepare for that. We in this Congress, have specialized in declining to make that ability available to the people who fly 2 million of our people around every day. So what Senator GORTON and I have done today is not to offer, as he indicated, dramatic reform or restructuring of the FAA, because we know there is a lot to be worked through, that it would be premature to do that today.

In fact, on the floor of this body and in the Halls of this Congress, there is very little discussion, if any, on what ought to be discussed at great length about the FAA—about equipment, about computers, about what is the state of stress, or lack of stress, for the people who are in our towers, whom both the Senator from Washington and I have visited.

So we are trying to decide how best to proceed on FAA restructuring, and we have decided to try to get as much consensus from the Congress and industry and across the Nation as we can. Now, some believe we should create an independent FAA, a privatized FAA. Some believe we should privatize air traffic altogether. Some believe user fee funding is the key to improving efficiency. Some believe the FAA is slow and cumbersome because it is a Federal agency. And some believe they are kind of on the right track already, so why intervene—again, no catastrophic actions.

In any event, despite the fact that we are not ready to enact—Senator GORTON and I—a so-called big-bang solution, in no way is there reason to do nothing. It is to take steps to make air traffic control next year better than this year or next year for the FAA to be better than this year. It is clear that the FAA needs interim reform and interim direction and encouragement. So as the Senator indicated, we are offering a package of incremental reforms that will, in a sense, send the FAA both the tools and the message to improve current management and operation of the system without prejudging what the final long-term broad change might be.

The Air Traffic Improvement Act of 1999 is focused in two key areas, as my colleague discussed. The first is internal FAA management reforms, and the second is modernization of equipment and technology. Both are enormously important. On the management side, the bill builds on reforms enacted in 1996. It uses the management advisory committee, or MAC as it is called, which I will have to say the administration has not set records in putting in place, i.e., they have not. But they have said they are going to send the nominations for it very soon and designate a subcommittee to advise and oversee air traffic control services.

We create in this amendment a chief operating officer position, and that is very important. There isn't any corporation of any size that doesn't have

that kind of person. You have the person who runs it, the CEO, and you might have the chief financial officer, but you always have a chief operating officer. We don't. The FAA has 55,000 people for whom it is responsible. That is a very large corporation. We believe that, together, the chief operating officer and the ATC Subcommittee will have central responsibility for running and modernizing air traffic control, developing a strategic plan, and implementing it.

I personally have enormous respect for the FAA and believe in and trust in the judgment, instincts, and actions of our Administrator, Jane Garvey. I think she is absolutely first class. I have spent a lot of time with her and talked a lot with her. She ran Boston airport. If you run Boston airport, you know what you are doing. She knows what she is doing. She has a strategic way of thinking. She listens a lot. She is around the country visiting people a great deal. We are very lucky to have her. But putting together a budget for air traffic services is very important and calls for a chief operating officer.

Having said that, let me say the Administrator will continue to always have the final say and always the accountability for air traffic. This is not a dilution of responsibility; it is simply making an organization more efficient, with no dilution of responsibility for the Administrator. We have to make sure we can attract and maintain the highest caliber leadership in our system. Again, I make the comparison to IBM or Dell Computer, which are very large corporations. Public service does not pay very well.

Senator GORTON and I believe it is very important that we have the highest caliber and that we retain the highest caliber leadership in running our system. That means including the possibility of a performance bonus for the chief operating officer and for the FAA Administrator at the discretion of the Secretary of Transportation. That is a very important point. Some people will say: Oh, that is going to be more salary.

Again, I remind you that there are 50,000 people, 2 million passengers, and all of these airplanes going all over the country. I have a chart, which I will not hold up because I don't believe in displaying charts on the Senate floor. I never have, and I hope I never do. But if I did, I would show you a chart which is basically the entire United States colored in red. The red is made up of very fine, little red lines, each one representing a flight. At a specific hour of a specific day—if you pick, for example, 5 o'clock in the morning, I am not one who would eagerly seek the opportunity to fly at 5 o'clock in the morning, but there are many Americans who do—if you look even at the west coast, it is colored red. If you look at 8 o'clock in the morning, you might as well forget anything in the country other than the color red.

I raise the suspicion that they must have left out West Virginia because we don't have a lot of flights at 5 o'clock or 8 o'clock in West Virginia. The point was made in clear logic that these are planes that are flying over the State of West Virginia and perhaps the State of Maine in the process.

In any event, I believe in the idea, when you have a system that is complicated requiring that much technology, requiring that much efficiency, and requiring planning, that you get and you retain the best people possible. That means, in my judgment, and in Senator GORTON's judgment, the possibility of a performance bonus for the chief operating officer and the FAA Administrator.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system and the effectiveness of the agency. That is kind of a bland sentence, but within it is a lot of power.

It is a little bit similar to HCFA. I have dealt now with I don't know how many HCFA Administrators. But they all say: Just give me four or five good lieutenants and I will be able to control this agency. They all failed because there are 4,000 health care experts in HCFA who look upon each HCFA Administrator as somebody who is going to be there for 2 years, and they are usually right; and be gone within 2 years, and they are usually right; that they will be there forever, and they are usually right. They know about health care. But they choose not to make decisions rapidly or efficiently. That means the Administrator and the chief operating officer, if we have one, need to have a lot more authority in a sense to shake up the system.

Senator GORTON and I would encourage that because we think that efficiency within the system is tremendously important. We set deadlines. We set milestones. We can't tell you right now in this country how much it costs for an airplane to fly from Boston, MA, to Dallas, TX. Ask us that question. Ask the FAA that question. How much does it cost? What is the cost of that flight? Nobody can give you an answer. That is inexcusable. This is one of the things that has to be done. It is one of the things that the FAA desperately wants to be able to do. What does it cost to run the air traffic control system in order to allow that flight to take place? We need to know those answers so we can allocate these costs fairly among users.

That is a very important principle. Not all airlines are the same. Not all airlines use the same approaches or have the same number of people or charge the same. There are differences in what they pay. Their obligations to the system, in terms of financial input, have to be based upon what their costs are. Therefore, we need to know what those costs are.

With respect to air traffic modernization, the bill calls for a comprehensive review and design of our airspace on a nationwide basis. Are we using it effectively? Are there more creative ways of routing a plane safely? You can do that if you have new technology. They have the technology at Herndon, VA. But do they have it in all of the air traffic control centers across this country? The answer is no, they don't. Until they do, that is going to be hard.

But Senator GORTON and I have an obligation to push, to push the Congress and to push the Senate to want to focus on these problems: one, to care about these problems; and, second, to do something about this.

We have 29 million miles of national airspace. I don't know how many times that is around the world, but it is a lot. Twenty-nine million miles of airspace is an incredible amount. It is divided into more than 700 individually managed sectors. There are 25,000 of the 50,000 employees that I mentioned who use 575 facilities that run these individually managed sectors. And the air traffic control system manages 55,000 flights and almost 2 million passengers every day. That is an enormous management problem. In fact, it is quite a lot more difficult, I would think, than running Dell Computers or running IBM. Yes, they are international operations. I am talking about their national operations. There is so much more at stake. The life, the safety, the economy, and the convenience of passengers is what is at stake. There is so much more at stake in arranging for the planes to be flown safely and properly.

Having said all of this, of course, I add on, as I always should, that the capacity is going to double in the next decade. We are looking at an ever increasing problem. The FAA has already begun to redesign the process. They are not sitting around. They are working hard. They have established a dedicated airspace redesign office.

Thanks to Senator LAUTENBERG, they received $3 million last year to get started with the redesign work in the New York airspace. That in itself is a national service because it is far and away the most congested airspace in the Nation. Is $3 million going to do that even for the New York area? No, but again, it is a start. It is not the Big Bang theory. But $3 million is enough to get going. Once you start moving, then people start taking a little bit more notice.

We need a nationwide approach to this problem—not just in New York but across the country—rather than doing it on a piecemeal basis, especially since segmented thinking is considered by many, in fact, to be a part of the problem; that we do things by chunks or segments of the country rather than thinking of the country as a whole and how we can best provide a safe air carrier service for people, for packages, for letters, and the rest of it.

The amendment we have offered would do all of this. That makes me happy. It makes me feel that it is a very good amendment.

We direct the FAA to engage in comprehensive nationwide space redesign. We insist that there be industry and stakeholder input. Stakeholder is not shareholder necessarily. Stakeholder means people who ride on these airplanes. And we give them the resources they need to complete the work in a timely fashion.

To realize the full potential of an airspace redesign, we have to have all of the advanced air traffic control equipment in place. Of course, we don't. We are very slow in that today, partly because of the technology development and procurement problems the FAA needs to fix internally. We talk a lot with Jane Garvey about that. She is acutely aware of that and has been working to change that. It is partly because of the vagaries of Congress; that is, the Federal budget process. We are impossible. We have been through so many extensions of a couple of months. It is like we are going out of our way to drive the whole process of this planning and the FAA crazy.

That is why Senator GORTON and I are so glad we have these 2 days, hopefully, to even discuss this. A month and a half ago I wouldn't have bet that we would even be able to take this up this year. And we are. That is a gift to the nation, I think.

If we can't bring it up, then the FAA obviously cannot make budget changes. We are on our way. Our amendment puts in place what Senator GORTON referred to earlier, a new financing mechanism. This is a creative, good thing in this amendment. It is for more rapid purchase of sought-after air traffic control equipment. The amendment sets up a pilot program to facilitate public-private joint ventures for the purpose of buying air traffic control equipment. It is not for profit. It is the Air Traffic Modernization Association. It is a three-member executive panel representing the FAA, commercial carriers, and primary airports.

A lot of airports are very aggressive. I suspect there are several in the State of Maine that want to get going and are being held up. Maybe they have a little bit set aside. Perhaps they want to use some of their passenger service fee. Maybe they want to take 25 cents of that and leverage it into a rather large purchase for some air traffic control equipment which, in their judgment, they need. This allows them to do that. Don't wait for the priority list to come to Bangor, ME, or Charleston, WV. If they have the gumption, they can save up or they can use part of the passenger service fee, say, 25 cents of it, and leverage it and buy modern equipment and jump ahead of the pack. That is what this is about.

Obviously, the FAA will continue to oversee that process. This will not be just a creative exercise by a few happy souls. All projects would have to be part of the FAA's capital plan. There is a cap of $50 million in FAA funding per project. That is pretty good. Most won't use that much. Sponsoring airports can use a portion of their passenger facility charge to meet the commitment. I think that will be very important.

I am sure the Senator from Washington remembers, I got in great trouble on this side of the aisle. I talked with Jane Garvey, Liddy Dole, and others. They said they spent 25 percent of their time as FAA Administrators working solely on concessionaire problems and negotiation problems at Dulles and National. If that was an exaggeration, give them 5 percent. That is when I broke away from our pack and said set up an independent, quasi-public-private authority and let National and Dulles go to the bond market; they will certainly get triple-A rating. They certainly did. We can see what happened to both airports. Dulles will have to do it all over again because they are so successful.

That is what an airport needs to believe they can do. If an airline and its hub airport want new instrument landing equipment, six more precision runway monitors, and aren't on the FAA's list for that equipment or are still years away on the funding schedule, maybe they will decide to get together with the ATM Association on the proposal, the FAA will put up seed money and the airports will do the same. They go to the bond market, get financing for the whole project, and use 25 cents—the PFC charge—to pay for it over 5 or 10 years. That is a great idea.

I am excited about this approach as I am sure is obvious. We have only heard positive feedback from all parties—the industry and the airport community. They say, given the change, they are ready to go if we pass the amendment.

Finally, the Air Traffic Management Improvement Act also includes authorization up to $100 million to speed up purchases and fielding of modernization equipment and technologies. I am happy to note we have dropped that provision because of the agreement reached with the majority—thank you to the majority—to increase authorization for FAA equipment and facilities by $500 million annually.

We are on the move if we pass this. Over time, we will have to spend even more of our Federal dollars on air traffic control and modernization effort. I know we will be considering some ideas for solving FAA's budgetary problems when we go to conference.

I—and I suspect I differ with my friend and colleague across the aisle from me—am supportive of Congressman SHUSTER's idea of off-budget. I don't think we can mess around with this situation; it is fraught with danger, and catastrophe is around the corner if we are not willing to spend the money we need to spend. We did it with the highway trust fund. We can put up a firewall, do it off-budget. There are ways to do it. A person can go to some of the air traffic control facilities and see what they are doing, see the stress under which they are working. We have 2 million people in the air, and we want them to be safe.

I am glad we are able to make a strong, tangible commitment to the needs of the system. I think these problems are all shared. We all bear some responsibility for them. We all need to step up to the plate to fix them. The FAA does a very commendable job with a very difficult task. They have a terrific safety record to show for it. I don't want to press their luck, ours, or the system's. The system, as it stands now, is not working as well as it could be or as it ought to be. We can't wait to do something about it.

I yield the floor.

Mr. GORTON. Madam President, we have now a unanimous consent agreement pursuant to which all amendments must be filed by 10 a.m. tomorrow. We appreciate the managers being apprised of those amendments to determine whether or not we can agree with some of them, unchanged or with modifications. We will probably go back to the fundamental amendment on slots to which the Senator from Illinois has objected and to which at least one Senator from Virginia, if not other Senators, have amendments to propose first thing tomorrow when we return to this bill.

If, however, there are amendments that can be agreed to relatively quickly, we may do that later on this evening after the votes at 5:30.

We will not debate either the Department of Transportation appropriations bill or nominations, so Members can come with amendments to this bill until 5:30 this afternoon. If they do, we will attempt to deal with them. If they don't, we will begin tomorrow. I know the leadership and certainly the managers of the bill want to finish this bill some time tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 1893 offered by the Senator from Washington, Mr. GORTON, for himself, Senator ROCKEFELLER, and others.

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 1898

(Purpose: To require the reporting of the reasons for delays or cancellations in air flights)

Mr. BAUCUS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 1898.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING OF REASONS FOR DELAYS OR CANCELLATIONS IN AIR FLIGHTS.

In addition to the information required to be included in each report filed with the Office of Airline Information of the Department of Transportation under section 234.4 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act), each air carrier subject to the reporting requirement shall specify the reasons for delays or cancellations in all air flights to and from all airports for which the carrier provides service during the period covered by the report.

Mr. BAUCUS. Madam President, I am offering today an amendment to address what I believe is a complicated and growing problem for all Americans—flight delays and flight cancellations.

The problem is not that delays and cancellations occur. Of course they do. That is only natural. But with different weather conditions, and with the country as large and complicated as it is, and airlines trying to maintain a tight schedule, it is only obvious that schedule can sometimes be deeply affected—by weather or equipment problems—so we must expect occasional delays and occasional cancellations.

Right now, it is always a mystery why these delays and cancellations happen. We can guess. We can conjecture. Perhaps it is because of weather. Perhaps it is because of mechanical problems. Perhaps it is the fault of air traffic controllers. There are lots of reasons. But nobody knows—at least the public does not know—precisely the reasons for these delays and for these cancellations.

Why is that? It is very simple. The airlines do not have to tell you. There is no requirement. So when you are stuck in an airport in the middle of the night, the airlines might let you know what is going on or they might not tell you. And after you finally reach your destination there's a pretty good chance that you are never going to know why it was you were stranded thousands of miles away from home, or why you missed that important business meeting. The airlines are not required to tell you the reasons for the delays and cancellations.

You are probably wondering: Why does this matter? If you are stuck, you are stuck. So what is the big deal? What is the difference? The big deal is that it does matter. It does make a difference, a great deal of difference. Speed and efficiency are not only in the interest of the airline, they are also in the interest of all Americans in this modern society.

Time really is money. Flights are often canceled or delayed for economic reasons, and not for mechanical or weather-related reasons. And when these economic delays or cancellations occur, it's usually rural America that gets the short end of the stick.

This is no secret. Domestic airlines sometimes have delays not only for mechanical reasons, not only for reasons caused by air traffic controllers, not only for weather reasons, but for purely economic reasons. They do not want that plane to go because it is not filled up enough; it is not economical enough. The airlines do not have to tell you that.

I have the headline of an article written by Christene Meyers from the front page of the Billings Gazette last week. The headline reads: ''Enduring Plane Misery, Montana Air Passengers Often Grounded by Economics.''

Let me read you a hypothetical situation from the article, a situation that is not so hypothetical and is happening with increasing frequency:

You fly out of Los Angeles at 6:10 p.m., arriving at Salt Lake City at 9 p.m., a minute earlier than estimated. You are delighted and hurry to your gate, to catch the last flight to Billings.

It happens all the time.

You watch, astonished, as the Billings plane is moved from the gate. You're told that your flight is canceled. You're told that your plane has a mechanical problem.

How often have we heard ''mechanical problems'' given to us by the airlines as the problem?

Further investigation discloses that the ''mechanical problem'' business was untrue. Truth is your perfectly functional plane was appropriated for a larger market. There were fewer people going to Billings than going to San Diego. You overnight from Salt Lake City and arrive the next day in Billings—12½ hours late.

That is if you are lucky because very often the next plane is booked; the next flight after that is booked; the next flight after that is booked; the next flight after that is booked.

I am not giving you isolated instances; this happens often in Montana. Montana depends primarily on two major carriers. When a flight is canceled or excessively delayed, there are big consequences. That flight may have been your only chance to get in or out of Montana that day. Again, the plane is not there. It is canceled. You say: OK. Book me on the next flight the next day.

Sorry. It is all booked up. It is overbooked.

Book me on the next flight.

Sorry. Can't.

I have talked to people in my State who had to wait 4 days—4 days—at Salt Lake City waiting for the next available flight. The same occurs in Minneapolis. People tell me they are there with several other people trying to get on a plane from Salt Lake City, and they say: Well, gee, why can't we just rent a car? Can Delta Airlines pay for the car rental? We'll drive from Salt Lake City to our home in Bozeman.

No. Sorry. It is against airline policy to do that.

So people frequently have to take another flight to another city in Montana and then drive or make some other connection. That is not uncommon.

Further into this article, a Delta agent from Salt Lake states:

If we have 40 people waiting for a flight for Billings and 120 waiting to go to San Francisco, it's a no-brainer. . . . It costs less for us to put 30 people up and send them on to Billings than it does to send 100 California-bound people to a hotel.

It is economics. That is wrong. That is not fair. That is not right. If flights are canceled for economic reasons, passengers deserve to know the truth. Let's not fool ourselves. This is not just an inconvenience for rural America; it is much more than an inconvenience. There is also a very direct, strong economic impact.

As my home State of Montana, my neighbors in North and South Dakota and Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable? It is a very basic question. There is a pretty obvious answer. Businesses around the country are going to think twice if reliable flight service cannot be guaranteed.

There are delays and cancellations in other parts of the country, but here is the difference. In other parts of the country, in urban parts of the country, there are other flights, there are other airlines; not so for Montana, for the Dakotas, and for Wyoming. There are not that many daily flights, and because the flights have less economic benefit, airlines often cancel flights for economic reasons; and it is not right.

Montana ranks near the bottom of per capita individual income right now. I am not saying it is because of airlines, but I am saying it is a factor which tends to discourage businesses from locating or expanding in Montana. How can we improve if we cannot guarantee a minimum standard of quality air service? This is not just a matter of inconvenience; it is a matter of jobs. It is a matter of income.

My amendment simply requires that airlines provide all flight information that they currently report and specify the reason why these flights were delayed or canceled. Today, airlines must provide to the Department of Transportation on a monthly basis if an airline flight is delayed, either on arrival or departure. They do not have to give the reasons. They have to disclose that fact.

So I am suggesting—not that they have to write a whole big book on the reasons for the cancellations or the reasons for the delays—that they just say why. What caused the cancellation? What caused the delay?

So in addition to the information shown on the left-hand side of this chart: the name of the airline; the flight number; the aircraft tail number; the origin and destination airport codes; and the date and day of week of flight—but that in addition—it can also indicate whether the cancellation or delay was caused by air traffic control, caused by mechanical failure or

difficulty, caused by an act of God, caused by weather, or caused by economics.

It is a very simple amendment. It does not regulate airlines. It is not imposing new regulations; it is just simply a matter of disclosure—simply giving the reasons why an airline flight is delayed over 15 minutes or just outright canceled.

I realize that simply reporting the reasons for cancellations and delays is not going to stop the practice of delaying and canceling flights for economic reasons because airlines are businesses. They may still want to go ahead and cancel or delay a flight for economic reasons. But I do think the public has the right to know the reason for the cancellation or the delay.

If airlines have to start reporting the reasons for missed connections and disrupted lives, consumers will soon see that rural America is grounded so that the rest of the country can go about its business.

It may turn out that as a consequence there will be fewer cancellations for economic reasons. That is very much my hope, because for many parts of the country, particularly rural America, the airlines' actions are having a disproportionately adverse effect in parts of the country that don't have as much airline service as other parts of the country.

That is my amendment. I see one Senator on the floor. I do not know if he will speak to it or not, but I don't see him jumping up in his chair.

Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the pending amendments be set aside.

AMENDMENT NO. 1899

(Purpose: To provide for designation of at least one general aviation airport from among the current or former military airports that are eligible for certain grant funds, and for other purposes)

Mr. ROCKEFELLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1899.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . DESIGNATION OF GENERAL AVIATION AIRPORT.

Section 47118 is amended—

(1) in the second sentence of subsection (a), by striking ''12'' and inserting ''15''; and

(2) by adding at the end the following new subsection:

''(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least one of the airports designated under subsection (a) may be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).''.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 1899) was agreed to.

Mr. ROCKEFELLER. Madam President, for the RECORD, amendment No. 1899 was cleared by the majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HURRICANE FLOYD RELIEF

Mr. HELMS. Mr. President, it was on September 16 that Hurricane Floyd crashed into the North Carolina coast dumping 20 inches of rain that resulted in devastating floods. The region of Eastern North Carolina most affected was visited by another 4–6 inches of rain just a week later, making an already catastrophic situation even worse.

So I noted with great interest when President Clinton paid a visit to a group of elite international financiers at the annual World Bank and IMF meeting 13 days later (September 29) to make an important announcement. It was there that he disclosed with great fanfare his proposal to forgive 100 percent of the debt owed by some 40 foreign countries to the United States—and much of their debt owed indirectly to the U.S. through the World Bank and the IMF.

Thirteen days after Hurricane Floyd arrived, and when many communities in my state were still literally under water, President Clinton decided it was appropriate to make the following plea on behalf of debt relief to foreign governments—he said: ''. . . I call on our Congress to respond to the moral and economic urgency of this issue, and see to it that America does its part. I have asked for the money and shown how it would be paid for, and I ask the Congress to keep our country shouldering its fair share of the responsibility.''

No wonder my constituents are puzzled as to why, in the words of John Austin of Tryon, North Carolina, ''we can help everyone else—but not our own people.'' North Carolinians understand instinctively that there is something odd about our national priorities when we have spent more—$27.9 billion—on foreign aid in the past two years than the $27.7 billion FEMA has expended in the past ten years. That's right: government aid through FEMA for such wide-ranging disasters as the Northridge earthquakes in California, Hurricane Andrew in South Florida and the catastrophic Midwestern floods doesn't even measure up to the past two years of foreign aid.

Now, I have been in constant communication with the Majority Leader, the Chairman of the Appropriations Committee, members on the other side of the aisle, and countless federal agencies seeking relief for thousands of North Carolinians who have been ruined by Hurricane Floyd. Helping these victims is the number one priority for those with whom I have spoken. And for the record, I am gratified by their cooperation and their determination to help.

With respect to the President's plan to forgive the debts of foreign governments, I remind Senators that every one of the governments whose debt the President proposes to forgive has no one to blame but themselves for pursuing socialist and statist policies, and often outright theft, that drove them in a hole in the first place.

Just how much is being taken away from victims in my state to fund the President's proposal? The Administration calculates that it will cost $320 million to forgive the $5.7 billion in mostly uncollectible debts owed to the U.S. Additionally, Uncle Sam is being asked to underwrite debt forgiveness to the World Bank and the IMF to the tune of $650 million.

That's a total of $970 million which North Carolina and other devastated regions desperately need, but will not get because money used to forgive the debts of foreigners is money that cannot and will not be used to assist hurricane victims.

Bear in mind, Mr. President, that the United States has already provided approximately $32.3 billion in foreign aid to just these countries since the end of World War II. And the U.S. Government has already provided $3.47 billion in debt forgiveness to these countries in the past several years alone.

If Senators study the list of countries, it turns out that the President seeks to reward governments who keep their people in economic and political bondage, and he proposes to do it at the expense of suffering Americans. The human rights organization Freedom House determined that only eight of the 36 proposed beneficiaries are ''free'' in terms of political expression. At least one on the World Bank's list of countries eligible to receive debt forgiveness is a terrorist state, and that's

Sudan. Also included are the communist dictatorships in Angola, Vietnam and the military dictatorship Burma.

The Heritage Foundation determined that none of the countries in question are ''free'' economically. (The economies of the vast majority of the countries judged are either ''repressed'' or ''mostly unfree'' according to the Heritage Foundation's Index of Economic Freedom.) Some countries on the World Bank's list do not even have functioning governments, such as Somalia, Sierra Leone, and Liberia.

Only one of 36 countries voted with the United States more than half of the time at the United Nations in 1998 (that is Honduras, which supported the U.S. only 55 percent of the time). Make no mistake about it: this proposal diverts assistance from Hurricane Floyd victims to corrupt, economically and politically repressed foreign countries—many of whom are not even friendly to the United States.

Mr. President, my office has received a steady stream of visitors and mail urging Congress to support the ''Jubilee 2000'' debt forgiveness plan, which now includes the President's proposal. It has been a well-orchestrated lobbying campaign.

But since the day Hurricane Floyd slammed into the North Carolina coast and dumped 20 inches of rain on the eastern third of my state, the phone calls and mail from North Carolina in support of debt forgiveness to foreign governments has dried up. The reason is clear: we have a natural disaster unlike any seen in 500 years here at home, and our duty is to help suffering Americans first.

Mr. President, I'm putting the Administration on notice here and now that the first priority shall be helping victims of Hurricane Floyd. Not until sufficient resources are dedicated to this effort by the federal government will I agree to Senate consideration of President Clinton's debt forgiveness to foreign governments proposal.

THE COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Madam President, I was fascinated when I saw in the Washington Post this Sunday the front-page headline reading: ''CIA Unable to Precisely Track Testing: Analysis of Russian Compliance with Nuclear Treaty Hampered.''

The first paragraph of the story below that headline said it all:

> In a new assessment of its capabilities, the Central Intelligence Agency has concluded that it cannot monitor low-level nuclear tests by Russia precisely enough to ensure compliance with the Comprehensive Test Ban Treaty. . . . Twice last month the Russians carried out what might have been nuclear explosions at its . . . testing site in the Arctic. But the CIA found that data from its seismic sensors and other monitoring equipment were insufficient to allow analysts to reach a firm conclusion about the nature of events, officials said. . . .

This surely was devastating news for a lot of people at the White House. Our nation's Central Intelligence Agency had come to the conclusion that it cannot verify compliance with the CTBT.

Mercy. I can just see them scurrying around.

But more amazing than this was the response of the White House spin machine. I've seen a lot of strange things during my nearly 27 years in the Senate, but this is the first time I have ever seen an administration argue that America's inability to verify compliance with a treaty was precisely the reason for the Senate to ratify the treaty. Back home that doesn't even make good nonsense.

Yet this is what the White House has been arguing all day today. This revelation is good news for the CTBT's proponents, they say, because the CTBT will now institute an entirely new verification system with 300 monitoring stations around the world.

Madam President, I am not making this up. This is what the White House said.

I say to the President: What excuse will the White House give if and when they spend billions of dollars on a ''new verification system with 300 monitoring stations around the world''—and the CTBT still can't be verified? Talk about a pig in a poke. Or a hundred excuse-makers still on the spot!

If the Administration spokesman contends that the CTBT's proposed ''International Monitoring System,'' or IMS, will be able to do what all the assets of the entire existing U.S. intelligence community cannot—i.e., verify compliance with this treaty—isn't it really just a matter of their having been caught with their hands in the cookie jar?

Let's examine their claim. The CTBT's International Monitoring System was designed only to detect what are called ''fully-coupled'' nuclear tests. That is to say tests that are not shielded from the surrounding geology.

But the proposed multibillion-dollar IMS cannot detect hidden tests—known as ''de-coupled'' tests—in which a country tries to hide the nuclear explosion by conducting the test in an underground cavern or some other structure that muffles the explosion.

''Decoupling'' can reduce the detectable magnitude of a test by a factor of 70.

In other words, countries can conduct a 60-kiloton nuclear test without being detected by this fanciful IMS apparatus, a last-minute cover up for the administration's having exaggerated a treaty that should never have been sent to the U.S. Senate for approval in the first place.

Every country of concern to the U.S.—every one of them—is capable of decoupling its nuclear explosions. North Korea, China, and Russia will all be able to conduct significant testing without detection by our country.

What about these 300 ''additional'' monitoring sites that the White House has brought for as a illusory argument in favor of the CTBT? They are fiction. The vast majority of those 300 sites already exist. They have been United States monitoring stations all along—and the CIA nonetheless confesses that it cannot verify.

The additional sites called for under the treaty are in places like the Cook Islands, the Central African Republic, Fiji, the Solomon Islands, the Ivory Coast, Cameroon, Niger, Paraguay, Bolivia, Botswana, Costa Rica, Samoa, etc. The majority of these will add zero, not one benefit to the U.S. ability to monitor countries of concern. The fact is if U.S. intelligence cannot verify compliance with this treaty, no International Monitoring System set up under the CTBT will. This treaty is unverifiable, and dangerous to U.S. national security.

If this is the best the administration can do, they haven't much of a case to make to the Senate—or anywhere else—in favor of the CTBT. The administration is grasping at straws, looking for any argument—however incredible—to support an insupportable treaty.

We will let them try to make their case. As I demonstrated on the floor last week, the Foreign Relations Committee has held 14 separate hearings in which the committee heard extensive testimony from both sides on the CTBT—113 pages of testimony, from a plethora of current and former officials. This is in addition to the extensive hearings that have already been held by the Armed Services Committee and three hearings exclusively on the CTBT held by the Government Affairs Committee.

The Senate Foreign Relations Committee will hold its final hearings this Thursday to complete our examination of this treaty. We will invite Secretary Albright to make her case for the treaty, and will hear testimony from a variety of former senior administration officials and arms control experts to present the case against the treaty.

I have also invited the chairman of the Senate Armed Service Committee, Senator WARNER, to present the findings of his distinguished panel's review of this fatally flawed treaty.

Finally, the facts are not on the administration's side. This is a ill-conceived treaty which our own Central Intelligence Agency acknowledges that it cannot verify. Approving the CTBT would leave the American people unsure of the safety and reliability of America's nuclear deterrent, while at the same time completely unprotected from ballistic missile attack. That is a dangerous proposal, and I am confident that the U.S. Senate will vote to reject this dangerous arms control pact called the Comprehensive Test Ban Treaty.

I yield the floor.

MEDICARE BENEFICIARY ACCESS TO QUALITY HEALTH CARE ACT OF 1999

Mr. BAUCUS. Mr. President, I am speaking in support of the Medicare Beneficiary Access to Quality Health Care Act of 1999.

Congress faces historic choices in the next few weeks: managed care reform, campaign finance legislation, whether to increase the minimum wage, Comprehensive Test Ban Treaty. But the problem is, Congress is long on disagreement and short on time. In all my years of Congress, I have scarcely seen a more partisan and divisive atmosphere than that which prevails today.

One area where Congress appeared ready to act this year is in addressing changes to the Balanced Budget Act, otherwise known as BBA, of 1997. I am disappointed that we have not yet done so. Rural States such as Montana have long battled to preserve access to quality health care. I daresay that the State so ably served by the Senator from Maine, Ms. COLLINS, is in somewhat the same condition.

By and large, and against the odds, it is a battle we have generally won. Through initiatives such as the Medical Assistance Facility and the Rural Hospital Flexibility Grant Program, Montana and other relatively thinly populated States have providers who have worked diligently to give Medicare beneficiaries quality health care, but now these providers face a new challenge—the impact of BBA Medicare cuts.

From home health to nursing homes, hospital care to hospice, Montana facilities stand to take great losses as a result of the BBA. Many already have. One hospital writes:

Dear Senator BAUCUS:

The BBA of 1997 is wreaking havoc on the operations of hospitals in Montana. Our numbers are testimony to this. The reduction in reimbursements of $500,000 to $650,000 per year is something our facility cannot absorb.

Another tells me:

Senator BAUCUS: An early analysis of the negative impact to [my] hospital projects a decrease in reimbursements amounting to an estimated $171,200. My hospital is already losing money from operations and these anticipated decreases in reimbursements will cause a further immediate operating loss. If enacted and implemented, I predict that we will have no choice but to reduce or phase out completely certain services and programs. . . .

Home health agencies report to me that in a recent survey, 80 percent of Montana home health care agencies showed a decline in visits averaging 40 percent. Let me state that again. Of the home health care agencies in my State, 80 percent report a decline in visits averaging 40 percent. These are some of the most efficient home health care agencies in the Nation. It simply is not fair that they are punished for being good at managing costs.

As for skilled nursing care in Montana, I saw the effects firsthand in a visit to Sidney Health Center in the northeast corner of my State. A couple of months ago, I had a workday at Sidney. About every month, every 6 weeks, I show up at someplace in my home State with my sack lunch. I am there to work all day long. I wait tables. I work in sawmills. I work in mines—some different job. This time it was working at a hospital. Half of it is a skilled nursing home; the other half an acute care center.

At the skilled nursing center, I changed sheets. I took vitals. I worked charts. They even had me take out a few stitches. After a while, I felt as if I was a real-life doctor doing my rounds with my stethoscope casually draped around my neck. One patient actually thought I was in medical training; that is, until I treated that patient. They also had me read to about 20 old folks for about a half hour. I must confess that all but five immediately fell asleep.

At the end of the day, I had to turn my stethoscope in for a session with the administrators. The financial folks showed me trends in Medicare reimbursement over the last couple of years. They believe as I do, that the BBA cuts have gone too far.

So what do we do about it? Over the next few weeks, the Senate Finance Committee is likely to consider legislation to restore some of the funding cuts for BBA. Anticipating this debate, I introduced comprehensive rural health legislation earlier this year. The bill now has over 30 bipartisan Senate cosponsors.

Last week, I joined Senator DASCHLE and the distinguished ranking member of the Finance Committee, as well as Senator ROCKEFELLER, in support of a comprehensive Balanced Budget Act fix, a remedy to try to undo some of the problems we caused. The Medicare Beneficiary Access to Quality Health Care Act addresses problems the BBA has caused in nursing home care, in home health care, among hospitals and also physical therapy, as well as some other areas. In particular, I draw my colleagues' attention to section 101 of the bill.

Medicare currently pays hospital outpatient departments for their reasonable costs. To encourage efficiency, however, the BBA called for a system of fixed, limited payments for outpatient departments. This is called the outpatient prospective payment system, known as PPS. Thus far, it appears this PPS will have a very negative impact on small rural hospitals. HCFA estimates—the Health Care Financing Administration—that under this law, Medicare outpatient payments would be cut by over 10 percent for small rural hospitals. I don't have the chart here, but hopefully it is coming later. If you look at the chart, you will see some of the projected impacts on hospitals in my State.

Prospective payment is the system of the future, and Congress is right to use it where it works. But in some cases, prospective payment just doesn't work. Consider what happened with inpatient prospective payment about 15 years ago. In 1983, Congress felt, much as it does now, that Medicare reimbursements needed to be held in check. It implemented prospective payment for inpatient services. Enacting that law, it also recognized that for some small, rural facilities, there should be exceptions to prospective payment.

The basic reason is simple, because prospective payment is based upon the assumption that the efficient hospitals will do well and survive, and the nearby inefficient hospitals not doing well will fail, but that is OK because people can always go to the surviving efficient hospital. And the assumption, obviously, is invalid for sparsely populated parts of America because if there is a hospital in a sparsely populated part of America that fails under undue pressure because of reimbursement, there is no other hospital or health care facility for somebody in rural America. That is the essential failing in the assumption behind PPS.

Congress called these facilities ''sole community hospitals,'' and 42 of the 55 hospitals in my State enjoy that status—that is, the security of being named a sole community provider or medical assistance facility.

Section 101 of the bill we introduced last week would provide similar security for outpatient services, and it should be enacted right now.

Just last week, the health care research firm, HCIA, and the consulting firm, Ernst and Young, released a study showing that hospital profit margins could fall from their current levels of about 4 percent to below zero by the year 2002. We must act now to ensure that this does not happen.

I might say, however, time is running out. We are already in the midst of a 3-week stopgap measure to keep the Government running. If we don't sit down and iron out our differences soon, we risk going home not having acted on the BBA and not correcting this problem, which I think is irresponsible.

Despite the partisan atmosphere that has prevailed here over the last several months, Congress does have a record of success in dealing with important health care issues in a bipartisan way.

A few years ago, we passed the Health Insurance Portability Act to prevent people from losing health insurance when they change jobs.

In 1997, we worked together—Members of all stripes—in passing the Children's Health Insurance Plan, legislation to provide children of working families with health insurance. Just last week, children in my State started enrollment in that program.

With some common sense on both sides of the aisle and with fast action on the issue, Congress can come together to solve some of the problems caused by the so-called BBA of 1997. We ought to do so, and we ought to do it right now.

Mr. President, you might be interested in what some of the conditions of

the BBA 1997 are in the State of the Presiding Officer. In Maine, the hospital in Bangor would lose 24 percent of payments it would otherwise receive. Booth Bay Harbor would find about a 38-percent reduction. That is somewhat typical of hospitals of that size and in that situation around the country.

So I hope that at the appropriate time we can work with dispatch and expeditiously solve this problem before we adjourn.

Mr. LEVIN. Mr. President, I rise today in support of the Medicare Beneficiary Access to Care Act.

I have traveled around my State of Michigan and I have heard from all types of health care providers. I consistently hear one message: all health care providers, big and small, are reeling from the cuts mandated under the 1997 Balanced Budget Act (BBA).

When Congress passed the BBA, it was estimated that it would save $112 billion in Medicare expenditures. The Congressional Budget Office has reestimated those savings at $206 billion. It is clear that the BBA has gone further than we intended.

This bill addresses some of the problems the health care community is facing. The bill provides some measure of relief to providers by committing $20 billion dollars towards addressing some of the BBA problems.

Here are some of the bill's provisions:

Medicare currently pays hospital outpatient departments for their reasonable costs, subject to some limits and fee schedules. To create incentives for efficient care, the BBA included a prospective payment system (PPS) for hospital outpatient departments. HCFA expects to implement this system in July 2000. When implemented, it is expected to reduce hospital outpatient revenues by 5.7 percent on average. Michigan hospitals have told me that this payment system will reduce annual hospital payments for out patient services by $43 million for Michigan hospitals.

This bill would protect all hospitals from extraordinary losses during a transition period. Each hospital would compare its payments under the PPS to a proxy for what the hospital would have been paid under cost-based reimbursement. In the first year, no hospital could lose more than 5% under the new system. This percentage would increase to 10% in the second year and 15% in the third year.

Prior to the BBA, a hospital's inpatient payments increased by 7.7% if the hospital had one intern or resident for every 10 beds. This percentage was cut to 7.0% in 1998, and phased down to be set permanently at 5.5% by 2001. This bill freezes Indirect Medical Education (IME) payments at the current level of 6.5% for 8 years.

Due to concern that Medicare+Choice managed care plans were not passing along payments for Graduate Medical Education (GME) to teaching hospitals, the BBA carved out payments for GME and IME from Medicare + Choice rates and directed them to those hospitals. However, the carve out was phased in over several years. This bill contains a provision that would speed up the carve-out, ensuring that teaching hospitals get adequate compensation for the patients they serve.

Teaching hospitals are critically important to Michigan. There are 58 teaching hospitals in Michigan, which constitutes one of the nation's largest GME programs.

The BBA reduced disproportionate share hospital (DSH) payments by 1% in 1998, 2% in 1999, 3% in 2000, 4% in 2001, and 5% in 2002. This bill would freeze the cut in disproportionate share payments at 2% for 2000 through 2002.

The BBA created a prospective payment system (PPS) for skilled nursing facilities. There has been a concern that the PPS may not adequately account for the costs of high acuity patients. This bill includes a number of provisions to alleviate the problems facing skilled nursing facilities. Importantly, this bill repeals the arbitrary $1500 therapy cap that was mandated under the BBA.

The BBA mandated a 15% cut to home health payments. Last year Congress delayed this cut to October 2000. Our bill would further delay this 15% cut for two years. In addition, our bill creates an outlier policy to protect agencies who serve high cost beneficiaries.

The BBA phased out cost based Medicaid reimbursement for rural health clinics and federally qualified health centers but did not replace it with anything to assure that these clinics would be adequately funded. Our bill creates a new system for clinic payments.

In summary, these provisions are vitally important to the health care community of Michigan, both providers and beneficiaries. We cannot afford to allow our health care system, the best in the world, to decline.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. INHOFE. Madam President, I submit a report of the committee of conference on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 30, 1999.)

Mr. SHELBY. Mr. President, I am pleased that today the Senate has the opportunity to consider the conference agreement for the Fiscal Year 2000 Transportation Appropriations bill, and expect that we will reinforce the Senate's strong support for this legislation, which was passed just 18 days ago by a vote of 95 to 0.

The Transportation Appropriations bill provides more than $50 billion for transportation infrastructure funding, and for safe travel and transportation in the air and on our nation's highways, railroads, coasts and rivers. I am pleased that we have reached an accommodation between the House and the Senate Conferees on the Transportation appropriations bill. The House didn't win on every issue, the Senate didn't win on every issue, the Administration didn't get everything that they wanted—there was a fair amount of give and take on the part of all interested parties and I am confident that the result is a balanced package that is responsive to the priorities of the Congress and of the administration.

The 302(b) allocation was tight and constrained our ability to do some things that I would have liked to do—but we have stayed within the allocation agreed to by the House and the Senate and we have a bill that the Administration will sign. I believe this bill represents a balanced approach and a model for how appropriations bills should be constructed. It stays within the allocation, it stays pretty close to the budget request with the exception of denying new user fee taxes and making some firewall shifts that the authorizing committee objected to, it adheres to the commitment made in TEA–21 on dedicated funding for Highways and Transit, it provides adequate—but constrained—levels for FAA, it maintains a credible Coast Guard capital base and operational tempo, and it continues to focus on making further strides in increasing the safety of all our transportation systems.

At the same time, Chairman WOLF, Ranking Member SABO, the senior Senator from New Jersey and I have gone to great lengths to craft a bill that accommodates the requests of members and funds their priorities. Scarcely a day passes where one member or another does not call, write, or collar me on the floor to advocate for a project, a program, or a particular transportation priority for their state. I received over 1,500 separate Senate requests in letter form over the last six months. This bill attempts to respond to as many of those requests as possible.

As many of you know, the current fiscal constraints were especially felt in the transit account, where demand for mass transit systems is growing in every state, but funding is fixed by the TEA–21 firewall. I won't belabor that point other than to say we did the best we could under very difficult circumstances.

It has been a constant challenge this year to ensure adequate funding for FAA operations, facilities, equipment and research, and for the Airport Improvement Program; for the Coast Guard operations and capital accounts; and for operating funds for the National Highway Transportation Safety Administration. This clearly illustrates the pitfalls of firewalls and the disadvantages of trying to manage annual outlays in multi-year authorization legislation. Our experience this year with this bill is one of many reasons the Congress should reject a proposal to establish more budgetary firewalls around trust fund accounts in the future.

I want to mention one other issue that has been the topic of many conversations over the past couple of weeks. That is, the Senate provision concerning the release of personal information by state departments of motor vehicles. My concern is that private information is too available. The proliferation of information over the Internet makes it easy and cheap for almost anyone to access very personal information.

I think members would be shocked by what virtually anyone—including wierdos or stalkers—can find out about you, your wife, or your children with only a rudimentary knowledge of how to search the Internet.

I believe that there should be a presumption that personal information will be kept confidential, unless there is compelling state need to disclose that information. Most states, however, readily make this information available, and because states sell this information, a lot of information about you effectively comes from public records.

Section 350 of the conference protects personal information from broad distribution by requiring express consent prior to the release of information in two situations. First, individuals must give their consent before a state is able to release photographs, social security numbers, and medical or disability information. Of course, this excludes law enforcement and others acting on behalf of the government. Second, individuals must give their consent before the state can sell or release other personal information when that information is disseminated for the purpose of direct marketing or solicitations. I want to be clear: this applies only when the state sells your name, address, and other such information to people who are using that information for marketing purposes.

We recognize that states may need time to comply with this provision. And we've proposed to delay the effective date 9 months. In addition, there was concern expressed about this provision being tied to transportation funds under this bill, and the conference agreement eliminates the sanction language and expressly states that no states' fund may be withheld because of non-compliance with this provision. In addition, the Congressional Budget Office has performed a cost estimate analysis of this provision, and found that the total implementation cost for States is well below $50 million nationally.

I believe that the general public would be as shocked as my colleagues in the Senate if they learned that states were running a business with the personal information from motor vehicle records.

There are a few people I would particularly like to thank before we vote. My Ranking Member, Senator LAUTENBERG, has been a valued partner in this process, and I'm sorry that we only have one more year to do this together. Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs. My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta and Linda Muir, have been professional, accommodating, and collegial. This last week has been a blueprint for how conference negotiations should be conducted. Senator LOTT and his staff have been gracious and extremely helpful in moving this legislation forward. And on the Appropriations Committee staff, I want to recognize Steve Cortese and Jay Kimmitt for their invaluable assistance and advice.

I look forward to passing this bill and sending it to the President. I ask unanimous consent that the letter from OMB relating to this conference report be printed in the CONGRESSIONAL RECORD at the end of my remarks and after the table regarding federal highway aid. From the OMB letter, it is my expectation that the President will sign the bill in its current form.

Mr. President, I also ask unanimous consent to include the following table for the RECORD which shows the estimated fiscal year 2000 distribution of Federal highway fund obligational authority. This table illustrates the state-by-state distribution of non-discretionary highway funds under the conference agreement. It is important to note that none of the discretionary programs, including public lands highways, Indian reservation roads, park roads and parkways, or discretionary bridge are included in this distribution, as these funds are granted on an individual application basis. In addition, these figures do not include the carryover balances from prior years, the final computation of administrative takedown, or the final minimum guarantee adjustments. However, these figures are very close to the actual state distribution that will be made by the Federal Highway Administration based on the agreement outlined in the conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED FY 2000 DISTRIBUTION OF OBLIGATIONAL AUTHORITY (INCLUDING DISTRIBUTION OF RABA UNDER CONFERENCE PROPOSAL AND DISTRIBUTION OF $98.5 MILLION IN ADMINISTRATIVE TAKEDOWN FUNDS FOR OTHER PURPOSES)

States	Formula obligation limitation	Exempt minimum guarantee	Subtotal	RABA conference proposal	Total
Alabama	$471,711,405	$11,367,974	$483,079,379	$29,016,764	$512,096,143
Alaska	268,677,889	21,022,139	289,700,028	16,970,939	306,670,967
Arizona	375,629,521	14,116,557	389,746,078	23,285,789	413,031,867
Arkansas	380,148,116	8,870,348	317,018,464	19,016,257	336,034,721
California	2,135,937,494	41,571,122	2,177,508,616	131,247,260	2,308,755,876
Colorado	271,325,228	5,218,128	276,543,356	16,673,553	293,216,909
Connecticut	347,917,991	15,458,380	363,376,371	21,631,767	385,008,138
Delaware	102,256,467	2,516,824	104,773,291	6,301,112	111,074,403
Dist. of Col	92,495,095	99,255	92,594,350	5,634,683	98,229,033
Florida	1,065,315,963	49,989,815	1,115,305,778	66,321,154	1,181,626,932
Georgia	828,256,118	32,991,973	861,248,091	51,375,336	912,623,427
Hawaii	119,530,218	3,358,725	122,888,943	7,374,632	130,263,575
Idaho	178,383,500	6,424,871	184,808,371	11,043,615	195,851,986
Illinois	785,605,674	12,083,474	797,689,148	48,176,561	845,865,709
Indiana	579,109,909	21,891,566	601,001,475	35,894,907	636,896,382
Iowa	279,429,622	3,744,432	283,174,054	17,121,381	300,295,435
Kansas	273,194,168	2,007,662	275,201,830	16,691,012	291,892,842
Kentucky	401,970,692	10,003,210	411,973,902	24,735,491	436,709,393
Louisiana	391,418,740	11,102,273	402,521,013	24,151,481	426,672,494
Maine	123,317,168	2,925,145	126,242,313	7,592,996	133,835,309
Maryland	367,510,492	7,464,568	374,975,060	22,588,127	397,563,187
Massachusetts	436,472,391	7,583,988	444,056,379	26,790,453	470,846,832
Michigan	744,199,500	23,383,006	767,582,506	45,987,032	813,569,538
Minnesota	347,863,427	6,266,043	354,129,470	21,358,519	375,487,413
Mississippi	282,518,602	5,567,485	288,086,087	17,358,519	305,444,606
Missouri	569,625,340	12,728,657	582,353,997	35,047,859	617,401,856
Montana	227,145,762	10,546,766	237,692,528	14,140,666	251,833,194
Nebraska	180,760,739	1,864,558	182,625,297	11,062,788	193,688,085
Nevada	166,699,784	5,948,338	172,648,122	10,323,779	182,971,901
New Hampshire	120,134,397	3,111,027	123,245,424	7,402,980	130,648,404

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED FY 2000 DISTRIBUTION OF OBLIGATIONAL AUTHORITY (INCLUDING DISTRIBUTION OF RABA UNDER CONFERENCE PROPOSAL AND DISTRIBUTION OF $98.5 MILLION IN ADMINISTRATIVE TAKEDOWN FUNDS FOR OTHER PURPOSES)—Continued

States	Formula obligation limitation	Exempt minimum guarantee	Subtotal	RABA conference proposal	Total
New Jersey	598,730,322	11,286,798	610,017,120	36,776,405	646,793,525
New Mexico	227,824,334	7,169,730	234,994,064	14,079,572	249,073,636
New York	1,194,894,120	28,056,993	1,222,951,113	73,547,672	1,296,498,785
North Carolina	651,657,222	22,361,073	674,018,295	40,308,266	714,326,561
North Dakota	151,554,823	3,564,655	155,119,478	9,333,524	164,453,002
Ohio	859,342,925	22,507,807	881,850,732	52,959,163	934,809,895
Oklahoma	359,066,919	7,361,168	366,428,087	22,076,510	388,504,597
Oregon	289,181,685	3,630,769	292,812,454	17,707,362	310,519,816
Pennsylvania	1,174,935,166	20,690,226	1,195,625,392	72,033,420	1,267,658,812
Rhode Island	37,789,794	4,921,466	142,711,260	8,533,831	151,245,091
South Carolina	368,700,588	13,940,670	382,641,258	22,853,717	405,494,975
South Dakota	169,007,946	4,237,330	173,245,276	10,411,545	183,656,821
Tennessee	533,893,724	12,450,474	546,344,198	32,831,373	579,175,871
Texas	1,736,180,606	64,627,615	1,800,808,221	107,594,447	1,908,402,668
Utah	181,553,286	3,552,164	185,105,450	11,156,019	196,261,469
Vermont	105,918,243	2,146,701	108,064,944	6,512,509	114,577,453
Virginia	592,611,780	16,373,740	608,985,520	36,550,515	645,536,035
Washington	423,671,200	6,405,044	430,076,244	25,978,168	456,054,412
West Virginia	264,443,795	2,590,550	267,034,345	16,126,281	283,160,262
Wisconsin	458,224,706	16,164,680	474,389,386	28,368,743	502,758,129
Wyoming	161,572,167	3,732,038	165,304,205	9,947,966	175,252,171
Total	23,483,316,763	639,000,000	24,122,316,763	1,448,003,841	25,570,320,604

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 29, 1999.

Hon. RICHARD C. SHELBY,

Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Transportation and Related Agencies Appropriations Bill, FY 2000, as passed by the House and by the Senate. As the conferees develop a final version of the bill, we ask you to consider the Administration's views.

The Administration appreciates the House and Senate's efforts to accommodate many of the Administration's priorities within their 302(b) allocations and the difficult choices made necessary by those allocations. However, the allocations of discretionary resources available under the Congressional Budget Resolution are simply inadequate to make the necessary investments that our citizens need and expect.

The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider other, similar proposals as the FY 2000 appropriations process moves forward. With respect to this bill in particular, the Administration urges the Congress to consider the President's proposals for user fees.

Both the House and Senate versions of the bill raise serious funding concerns. First, both versions of the bill underfund the Federal Aviation Administration's (FAA's) operations and modernization programs, reduce highway and motor carrier safety, and underfund other important programs. The conferees could partially accommodate the funding increases recommended below for these programs by adhering more closely to the President's requests for the Airport Improvement Program, High Speed Rail, Coast Guard Alteration of Bridges, Coast Guard capital improvements, and other programs.

In addition, both the House and Senate have reduced requested funding for important safety, mobility, and environmental requirements. The Administration proposes to meet these requirements through the reallocation of a portion of the increased spending resulting from higher-than-anticipated highway excise tax revenues. Under this proposal, every State would still receive at least as much funding as was assumed when the Transportation Equity Act for the 21st Century was enacted. The conferees are encouraged to consider the Administration's proposal as a means to fund these important priorities.

The Administration's specific concerns with both the House and Senate versions of the bill are discussed below.

AVIATION SAFETY AND MODERNIZATION

The funding provided by the House and the Senate is not sufficient to meet the rising demand for air traffic services.

The Administration strongly urges the conferees to fully fund the President's request for FAA Operations. The request consists of $5,958 million to maintain current operations and $81 million to meet increased air traffic and safety demands. Neither bill provides sufficient resources to maintain current service levels, let alone meet increased demands.

The Administration urges the conferees to provide at least the House level for the FAA's Facilities and Equipment account. The Senate reduction, including the rescission, would seriously compromise the FAA's ability to modernize the air traffic control system. At the Senate level, safety and security projects would be delayed or canceled, and critically-needed capacity enhancing projects would be postponed, increasing future air travel delays. In addition, the conferees are urged to provide the requested $17 million in critically-needed funds for implementation of a Global Positioning System (GPS) modernization plan to help enable transition to a more efficient, GPS-based air navigation system. This is a top priority, and the conferees are asked to fund this in addition to the FAA's other capital needs.

The Administration supports the decision, in both Houses, to eliminate the General Fund subsidy for FAA Operations and urges the conferees to enact the Administration's proposal to finance the agency. Such a system would improve the FAA's efficiency and effectiveness by creating new incentives for it to operate in a business-like manner.

CAFE STANDARDS

The Administration strongly opposes, and urges the conferees to drop, the House bill's prohibition of work on the corporate average fuel economy (CAFE) standards. These standards have resulted in a doubling of the fuel economy of the car fleet, saving the Nation billions of gallons of oil and the consumer billions of dollars. Because prohibitions such as this have been enacted in recent years, the Department of Transportation has been unable to analyze this important issue fully. These prohibitions have limited the availability of important information that directly influences the Nation's environment.

LIVABILITY PROGRAMS

The Administration is very disappointed that both versions of the bill fund transit formula grants at $212 million below the President's request and the Transportation and Community and Preservation Pilot Program at approximately $24 million below the request. Further, the Administration is disappointed that the House bill does not direct additional funding to the Congestion Mitigation and Air Quality Improvement program. These programs are important components of the Administration's efforts to provide communities with the tools and resources needed to combat congestion, air pollution and sprawl. The Administration also objects to the addition of unrequested and unreviewed projects within the Transportation and Community and Privatization Pilot Program formula grants. The conferees are strongly urged to fully fund the President's request for these programs.

HIGHWAY SAFETY

The Administration urges the conferees to provide funding consistent with the recently enacted reauthorization for the National Highway Traffic Safety Administration's operations and research activities. This would provide an increase of $20 million above the House and Senate funding levels. This funding would allow expanded Buckle Up America and Partners in Progress efforts to meet alcohol and belt usage goals. It would also provide enhanced crash data collection, increased defects investigations, and crucial research activities on advanced air bags, crashworthiness, and enhanced testing to make better car safety information more readily available to the public.

MOTOR CARRIER SAFETY

The Administration appreciates the Senate bill's funding of $155 million, the amended request, for the National Motor Carrier Safety Grant Program. This will allow the Office of Motor Carrier and Highway Safety to undertake improvements in the area of motor carrier enforcement, research, and data collection activities that are designed to increase safety on our Nation's roads and highways. The Administration strongly urges the conferees to continue to provide this funding as well as the additional $5.8 million requested for motor carrier operations.

JOB ACCESS AND REVERSE COMMUTE

The Administration is disappointed that both the House and Senate would provide only $75 million—half of the amount authorized and requested—for the Job Access and Reverse Commute program. This program is a critical component of the Administration's welfare-to-work effort and local demands far exceed available resources. Demand is expected to increase further as more communities around the country work together to address the transportation challenges faced by families moving from welfare to work and by other low income workers. The Administration urges the conferees to provide full funding at $150 million.

OFFICE OF THE SECRETARY

The Administration urges the conferees to provide the President's request of $63 million for the Office of the Secretary in a consolidated account and delete the limitation on political appointees in both bills. This is necessary to provide the Secretary with the resources and flexibility to manage the Department effectively. In addition, we request restoration of the seven-percent reduction to the Office of Civil Rights contained in the Senate version of the bill. This reduction would hamper the Department's ability to enforce laws prohibiting discrimination in Federally operated and assisted transportation programs.

LANGUAGE PROVISIONS

The conferees are requested to delete provisions in both bills that would restrict the Coast Guard's and Federal Aviation Administration's user fee authority. User fees can help the Coast Guard and Federal Aviation Administration by providing resources to meet their operating and capital needs without significantly reducing other vital transportation programs.

The conferees are requested to delete provisions in both versions of the bill that would impose DOT-wide reductions in obligations to the Transportation Administrative Service Center. These reductions, which are particularly severe in the Senate, would impose significant constraints on critical administrative programs.

The conferees are requested to delete Section 316 of the Senate bill, which would extend the traditional anti-lobbying provision in DOT appropriations acts to State legislatures. This broad, ambiguous provision would chill the informational activities of the Department and limit the ability of the Department to carry out its safety mandate. The existing requirements of Section 7104 of TEA–21 adequately address this issue.

There are several provisions in both bills that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS versus Chadha.

REPORT LANGUAGE ISSUE

The Administration is concerned with the House report language that would not fund the controller-in-charge differential, which was part of the carefully crafted air traffic controller agreement research last year.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

JACOB J. LEW, *Director.*

Mr. LAUTENBERG. Madam President, I rise in support of the conference report accompanying H.R. 2084, the Transportation appropriations bill for fiscal year 2000.

I am pleased that during this, the first day of the first full week of the new fiscal year, we are sending a free-standing Transportation bill to the President for his signature. Earlier this year I would not have predicted that we would succeed in getting a free-standing Transportation bill. Credit for his successful accomplishment belongs primarily to our subcommittee chairman, Senator SHELBY. This bill has had a number of difficulties along the way—difficulties that sometimes divided Senator SHELBY and myself. But I think it is fair to say that throughout the year, both Senator SHELBY and I showed a willingness to listen, as well as a willingness to compromise. As such, many of the problems that burdened this bill earlier this year have been worked out over time.

Senator SHELBY consulted the Minority throughout this year's process. We may not have agreed on every figure and every policy contained in this bill, but there were never any surprises. His door was always open to me and to the other minority members of the subcommittee. I especially want to thank Senator SHELBY for his attention to the unique transportation needs of my home state of New Jersey, the most congested state in the nation. Our congestion problem makes New Jersey the most transit-dependent state in the nation and Senator SHELBY recognized this fact by working with me to provide substantial investments in projects like the Hudson-Bergen waterfront, the Newark-Elizabeth rail link, Amtrak's Northeast Corridor, the West Trenton line, and a feasibility study of a new transit tunnel under the Hudson River.

The Transportation Subcommittee faced a very tight allocation. These funding difficulties were made more challenging by the spending increases mandated for the Federal Highway Administration and the Federal Transit Administration under TEA–21. These mandated increases put extraordinary pressure on the non-protected programs in the Coast Guard, the Federal Aviation Administration, and the National Highway Traffic Safety Administration.

The funding level provided for Amtrak represents the largest single cut in this bill below the fiscal year 1999 level. Amtrak is funded at a level fully 6 percent below last year's level. It is to Amtrak's credit, however, that Amtrak's financial turn-around has generated the kind of revenue that will allow the corporation to absorb this cut without any notable service reductions.

Funding for the operations budget within the Federal Aviation Administration is another area of concern. While this bill funds FAA Operations at a level fully 6 percent above last year's level, the amount provided remains 2.3 percent below the level requested by the Administration. Also, funding for highway safety within the operations and research account in the National Highway Traffic Safety Administration is 19 percent below the President's request. In this instance, the Administration's budget request depended upon the enactment of a new authorization bill raising the authorization ceilings for NHTSA. Unfortunately, by the time that authorization bill was enacted, our subcommittee ceiling had already been established and we did not have the funding to accommodate these funding increases for NHTSA. Mr. President, if I could identify one serious flaw with the Transportation Equity Act for the 21st Century (TEA–21), it would be the fact that several trust funded programs for highway construction are granted guaranteed increases over the next several years, while the safety programs from the trust fund are not granted similarly privileged budgetary treatment. We need to do better for these critical safety programs, both in the FAA and in NHTSA. I have not given up on the chance to do better for these programs. I intend to work with the Administration to see if additional funds can be included in an omnibus appropriations bill or, perhaps, in a Supplemental Appropriations bill.

In the area of truck safety, I am disappointed that this bill does not include the $50 million that I added during full committee markup for grants within the Office of Motor Carrier Safety. The tight funding allocation burdening the subcommittee just made it impossible to accommodate this item in Conference. However, I have to say that while money is important to our efforts to maintain truck and bus safety, guts and determination on the part of the Administration is of even greater importance. The Office of Motor Carrier Safety needs to be willing to shut down the most egregious safety violators to protect bus passengers and the motoring public.

There have been several hearings regarding the deficiencies of the Office of Motor Carriers this year. Within the Transportation Appropriations Subcommittee, we spent considerable time discussing the recent series of fatal bus crashes within New Jersey. The Commerce Committee also held hearings on the overall deficiencies with the OMC. Those hearings painted a very dismal picture of a largely impotent agency that is more interested in outreach than in ensuring safe truck and bus operations. More recently, we have seen indications of a new, more serious attitude at the Office of Motor Carrier Safety. This appropriations bill mandates that that office can no longer be operated within the Federal Highway Administration. Perhaps this will make a difference. In my view, the jury is still out on whether we have turned the corner on improving truck and bus safety. Over the course of the next year, we will need to review carefully whether the changes recently announced by the Office of Motor Carriers represent a true change in attitude or just a change in rhetoric.

In summary, Mr. President, I encourage all Members to vote in favor of this

conference report. The conference agreement is a balanced and bipartisan effort to meet the needs of our nation's transportation enterprise within a difficult funding envelope. I believe it deserves the support of all Members.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will now proceed to vote on the adoption of the conference report accompanying H.R. 2084.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Rhode Island (Mr. REED), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED), would vote ''aye.''

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—88

Abraham	Edwards	Lugar
Akaka	Feingold	McConnell
Allard	Feinstein	Mikulski
Ashcroft	Fitzgerald	Moynihan
Baucus	Frist	Murkowski
Bayh	Gorton	Murray
Bennett	Graham	Nickles
Biden	Gramm	Reid
Bingaman	Grams	Robb
Bond	Grassley	Roberts
Boxer	Gregg	Rockefeller
Breaux	Harkin	Roth
Brownback	Helms	Santorum
Bryan	Hutchinson	Sarbanes
Bunning	Hutchison	Schumer
Burns	Inhofe	Sessions
Byrd	Inouye	Shelby
Campbell	Jeffords	Smith (NH)
Chafee	Johnson	Snowe
Cleland	Kerrey	Specter
Cochran	Kerry	Stevens
Collins	Kohl	Thompson
Coverdell	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Lautenberg	Voinovich
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Lott	

NAYS—3

Conrad	Enzi	Hagel

NOT VOTING—9

Daschle	Kennedy	Reed
Hatch	Mack	Smith (OR)
Hollings	McCain	Thomas

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I commend Senators SHELBY and LAUTENBERG for this bill. It is really a monstrous bill, and they have come back with a very good compromise, a bill with which we can all live.

The staff on this bill deserves a great deal of credit, too. To my right is Wally Burnett, staff director of the Transportation Subcommittee for the Senate. He handles the highway and aviation accounts. Wally tops at 205 pounds now, but we call him Little Wally in Fairbanks. I thank him and Joyce Rose, who handles the railroad and transit accounts. She spent a lot of time away from her young kids. Paul Doerrer handled the Coast Guard and NTSB accounts. He did a great job on his first bill. I also thank Peter Rogoff and Carole Geagley of the minority. They have worked very hard on this bill. As I said, it is an extremely good bill.

I want to mention two items related to this bill. We do have a very difficult problem in Alaska on aviation safety. We are, after all, the largest State of the Union, one-fifth of the size of the United States. We use aircraft as other people use taxis or buses or trains. Over 80 percent of our inter-city traffic is by air. Seventy percent of our cities can be reached only by air. As a consequence, safety is one of our major concerns.

This summer, Director Hall of the National Transportation Safety Board came to Alaska. He met there with representatives of the Centers for Disease Control and their National Institute for Occupational Safety and Health, NIOSH. There are resources provided in this bill to implement the National Transportation Safety Board's recommendations and NIOSH's interagency initiative for aviation safety in my home State of Alaska. Senator SPECTER's bill, the Labor-HHS bill, provides the resources for NIOSH. They will have to be in the bill in order to put this plan into action.

The NIOSH initiative for the air taxi industry in Alaska is modeled after the highly successful 1993 helicopter logging study which produced recommendations for changes that implemented safety plans without Federal regulation. NIOSH recommended crew rest and crew duty schedules along with changes in helicopter logging equipment, and that has all but eliminated helicopter logging fatalities since those recommendations were implemented.

It is my hope that the NIOSH study on aviation can produce the same results—industry-led improvements to commuter aviation safety operations in Alaska—again, without the need for new Government-imposed mandates. The industry itself I believe will implement the NIOSH recommendations.

As the Senate knows, my family has known fatalities from airplane crashes. And I have many friends who have been involved in such crashes. As one who was lucky enough to walk away, it is my hope that these studies will lead to greater safety considerations for all who fly in Alaska. I am grateful to the chairman and the ranking member, Chairman SHELBY and Senator LAUTENBERG, for including in this bill these great, new safety initiatives.

I am happy to report on another matter. This bill ensures completion of the pedestrian footbridge that will span the Chena River in Fairbanks. Fairbanks is Alaska's second largest city.

The Alaska River Walk Centennial Bridge is the brainchild of Dr. William Ransom Wood. He is really the sage of Alaska. He is the executive director of Festival Fairbanks. This bridge is a small piece of an overall plan that Dr. Wood and the rest of the festival have developed to beautify Fairbanks and make it pedestrian friendly.

At 95, Dr. Wood has been one of Alaska's major players. He served as the president of the University of Alaska, mayor of Fairbanks, and on so many community councils and State task forces that I cannot here name them all. In honor of Dr. Wood's contribution to Fairbanks, the State of Alaska, and our Nation as a naval commander in World War II, Senator MURKOWSKI and I join together in introducing a Senate resolution which will urge Secretary Slater to designate this footbridge the William R. Wood Centennial Bridge.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to respond to some of the things the distinguished chairman of the Appropriations Committee just said, particularly his acknowledgment of the hard work done by the staff on both sides, the majority staff and the minority staff, and to say that I watch Senator STEVENS in action; I see how difficult it is to get some of these allocations in the shape we would like.

We are pleased that the Transportation bill was, if I may use the word, hammered out because there are still a lot of needs with which we have to be concerned. One is the FAA, of course, and our safety programs. I was pleased to hear the Senator mention that.

The other is the U.S. Coast Guard, in which Senator STEVENS has such an active interest. I share that interest. The State of New Jersey has a great deal of dependence—as well as the entire country—on the activities of the Coast Guard. And the fact is that their funding is presently on the short side. But decisions are made when resources are too spare, and, inevitably, some hard decisions have to be made.

I commend the chairman of the Appropriations Committee for being able to ensure that the Transportation bill was moved along. I know how hard he is working with some of the other bills that are still pending.

Mr. President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS. Mr. President, I send this resolution to the desk.

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

The legislative clerk read as follows:

A resolution (S. Res. 195) expressing the sense of the Senate concerning Dr. William Ransom Wood.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. STEVENS. Mr. President, I express my gratitude to the secretary for the minority for clearing this resolution so quickly, and I ask for its consideration.

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

The PRESIDING OFFICER. Without objection, the resolution and its preamble are agreed to.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, Chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, President of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the Twentieth Century; and

Whereas it shall also be in Dr. Wood's words, ''a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.'': Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, pursuant to the consent agreement of Friday, October 1, I now ask unanimous consent that the Senate proceed to executive session for the consideration of judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations will be stated.

The legislative clerk read as follows:

THE JUDICIARY

Ronnie L. White, to be United States District Judge for the Eastern District of Missouri; Brian Theadore Stewart, to be United States District Judge for the District of Utah; and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have a number of judges to discuss tonight:

There is Brian Theadore Stewart—I see the distinguished Senator from Utah on the floor, who I am sure will be speaking of him.

There is Justice Ronnie L. White—I see the distinguished Senator from Missouri, who will be speaking about him and has specific reserved time for that.

And there is the nomination of Raymond C. Fisher.

Utilizing some of the time reserved to me and the distinguished chairman of the Senate Judiciary Committee, I will make sure that whatever amount of time the distinguished Senator from Utah wishes will be available to him.

I would like to start by mentioning how we got here. On Friday, the Democratic leader was able to get an agreement from the majority leader scheduling an up-or-down vote on Ray Fisher, Ted Stewart, and Ronnie White tomorrow afternoon, with some debate this evening. I thank the Democratic leader for his assistance in obtaining those agreements. I know that it was not easy to obtain a date certain for a vote on the Fisher nomination and I am especially grateful that at long last, after 27 months, the Senate will finally be voting on the White nomination.

I begin with the Fisher nomination. Raymond Fisher is a distinguished Californian. After being confirmed by the Senate in 1977, he has served as Associate Attorney General of the United States. He served on the Los Angeles Police Commission from 1995 to 1997. He chaired it from 1996 to 1997. In 1990, he was deputy general counsel for the Independent Commission on the Los Angeles Police Department, better known as the Christopher Commission, chaired by Warren Christopher.

He received his undergraduate degree in 1961 from the University of California at Santa Barbara; And he received his law degree from Stanford Law School in 1966, where he was president of the Stanford Law Review. Following law school, he clerked for the Honorable J. Skelly Wright on the U.S. Court of Appeals for the District of Columbia Circuit and for the Honorable William Brennan on the U.S. Supreme Court. In other words, a lawyer's lawyer.

For almost 30 years, he was a litigation attorney in private practice in Los Angeles at Tuttle & Taylor and then as the managing partner of the Los Angeles offices of Heller, Ehrman, White & McAuliffe. He is a highly respected member of the bar and a dedicated public servant.

He has the very strong support of both California Senators. He received a rating of well qualified—in other words, the highest rating—from the American Bar Association. He has the support of Los Angeles Mayor Richard Riordan, the Los Angeles police department, the National Association of Police Organizations, and the Fraternal Order of Police.

He was nominated back on March 15, 1999. He had a hearing before the Judiciary Committee and in July he was promptly and favorably reported. I do not know why his nomination was not taken up immediately and confirmed before the August recess, but it is still here and will now receive consideration. The Senate should vote to confirm him, as I fully expect we will.

I note that the Senate has before it ready for final confirmation vote two other judge nominees to the same court, the Ninth Circuit, Judge Richard Paez and Marsha Berzon. Also pending before the Judiciary Committee are the nominations of Ron Gould, first nominated in 1997; Barry Goode, first nominated in June 1998; and James Duffy to the Ninth Circuit. It is a Court of Appeals that remains one quarter vacant with 7 vacancies among its 28 authorized judges.

We should be voting up or down on the Paez and Berzon nominations today. I think we need to fulfill our duty not only to each of these outstanding nominees as a matter of conscience and decency on our part, but also for the tens of millions of people who are served by the Ninth Circuit. Unfortunately, as was brought out Friday, a few Republican Senators—anonymously—are still holding up action on these other important nominations.

To his credit, the majority leader has come to the floor and said he will try to find a way for the two nominations to be considered by the Senate. I know that if the majority leader wishes the nominees will come to a vote. The way is to call them to a fair up-or-down vote. We should find a way to do that as soon as possible.

I certainly have tried to work directly and explain what I have done on the floor in working with the majority leader on the nominations. I am happy to work with the Senators who are blocking them from going forward, but we do not know who they are. In fact, we had a policy announced at the beginning of this year that we would no longer use secret holds in the Senate. Unfortunately, Judge Paez and Marsha Berzon are still confronting a secret hold as their nominations are obstructed under a cloak of anonymity after 44 months and 20 months, respectively. That is wrong and unfair.

The distinguished Senators from California, Mrs. BOXER and Mrs. FEINSTEIN, have urged continuously over and over again on this floor, in committee, in caucuses, in individual conversations with Senators on both sides of the aisle, that the nominations of Berzon and Paez go forward. I see the distinguished Senator from California, Mrs. BOXER, on the floor.

I think I can state unequivocally for her, as for Senator FEINSTEIN, that no Democrat objects to Judge Paez going forward. No Democrat objects to Marsha Berzon going forward. If nobody is objecting on this side of the aisle to going forward, I strongly urge those who support—as many, many do—Judge Paez and Marsha Berzon's nominations, that they call each of the 55 Senators on the other side of the aisle and ask them: Are you objecting to them going forward? Would you object to them going forward? Find out who is holding them up. They are entitled to a vote.

To continue this delay demeans the Senate. I have said that I have great respect for this institution and its traditions. Certainly after 25 years, my respect is undiminished. But in this case, I see the treatment of these nominations as part of a pattern of what has happened on judicial nominations for the last few years. If you are a minority or a woman, it takes longer to go through this Senate as a judicial nomination. That is a fact. It is not just me noting it, but impartial outside observers have reported in the last few weeks that a woman or a minority takes longer to be confirmed by the Senate as it is presently constituted.

The use of secret holds for an extended period is wrong and beneath the Senate. We can have 95 Senators for a nominee but 5, 4, 3, 2, or 1 can stop that person—after 4 years with respect to Judge Paez; after 2 years with respect to Marsha Berzon.

Let us vote up or down. If Members do not want either one of them, vote against them; if Members want them, vote for them. But allow them to come to a vote. Do not hide behind anonymous holds. Do not allow this precedent to continue that we seem to have started that women and minorities take longer.

Judge Richard Paez is an outstanding jurist and a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed by the Senate to the federal bench several years ago and is currently a Federal District Court Judge. He has twice been reported to the Senate by the Judiciary Committee in connection with his nomination to the Court of Appeals and has spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in January 1996, 44 months ago.

Marsha Berzon is one of the most qualified nominees I have seen in 25 years and the Republican Chairman of the Judiciary Committee has said the same thing. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Nominated for a judgeship within the Circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, Ann Aiken, Margaret McKeown and Susan Oki Mollway—she was first nominated in January 1998, some 20 months ago.

The Atlanta Constitution noted recently:

> Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried * * * to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. * * * This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair, It is not right, It is no way to run the federal judiciary. * * * This ideological obstructionism is so fierce that it strains our justice system and sets a terrible partisan example for years to come.

It is against this backdrop that I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed 1 or 2 or 3 secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Chief Justice of the United States Supreme Court wrote in January last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. * * * The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

At the time the Chief Justice issued this challenge, Judge Paez' nomination had already been pending for 24 months. The Senate received the Berzon nomination within days of the Chief Justice's report. That was almost 2 years ago and still the Senate stalls and refuses to vote. Let us follow the advice of the Chief Justice. Let the Republican leadership schedule up or down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

Recently, the Washington Post noted: ''[T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes * * * should receive them immediately.''

Democrats are living up to our responsibilities. The debate over the last couple of weeks has focused the Senate and the public on the unconscionable treatment by the Senate majority of selected nominees. The most prominent examples of that treatment are Judge Paez and Marsha Berzon. With respect to these nominations, the Senate is refusing to do its constitutional duty and vote.

The Florida Sun-Sentinel wrote recently: ''The 'Big Stall' in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. . . . The stalling, in many cases, is nothing more than a partisan political dirty trick.''

A recent report by the Task Force on Judicial Selection of Citizens for Independent Courts verifies that the time to confirm female nominees is now significantly longer than that to confirm male nominees—a difference that has defied logical explanation. The report recommends that ''the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender.'' Those responsible are not on this side of the aisle. I recall all too well the gauntlet that such outstanding woman nominees as Margaret Morrow, Ann Aiken, Margaret McKeown, Susan Oki Mollway, Sonia Sotumayor were forced to run. Now it is Marsha Berzon who is being delayed and obstructed, another outstanding woman judicial nominee held up, and held up anonymously because she will be confirmed if allowed a fair up or down vote.

I likewise recall all too well the way in which other qualified nominees were held up and defeated without a vote. The honor roll of outstanding minority nominees who have been defeated without a vote is already too long, including as it does Judge James A. Beaty, Jr., Jorge C. Rangel, Anabelle Rodriquez and Clarence Sundram. It should not be extended further. Senate Republicans have chosen to stall Hispanic, women and other minority nominees long enough. It is wrong and should end.

Nominees deserve to be treated with dignity and dispatch—not delayed for 2 and 3 and 4 years. I continue to urge the Republican Senate leadership to proceed to vote on the nominations of Judge Richard Paez and Marsha Berzon. There was never a justification for the Republican majority to deny these judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I know the Senate will do the right thing and confirm Ray Fisher to the Ninth Circuit tomorrow and that he will be an outstanding judge. I will continue my efforts to bring to a vote the nominations of Judge Richard Paez and Marsha Berzon.

We also will get the opportunity tomorrow to vote on the nomination of Justice Ronnie White. As I reminded the Senate last Friday, he is an outstanding jurist and currently a member of the Missouri Supreme Court. We have now a judicial emergency vacancy on the District Court of the United States for the Eastern District of Missouri while his nomination has been held up for 27 months.

Ronnie White was nominated by President Clinton in June of 1997—not June of 1999 or 1998, but June of 1997. It took 11 months before the Senate would allow him to have a confirmation hearing. At that hearing, the senior Senator from Missouri, Mr. BOND, and Representative BILL CLAY, the dean of the State's congressional delegation, came forward with strong praise for the nominee. Senator BOND urged Members to act fairly on Judge White's nomination to the district court and noted Justice White's integrity, character, and qualifications, and concluded that he believes Justice White understands the role of a Federal judge is to interpret the law, not to make law.

Once considered at a hearing, Justice White's nomination was reported favorably on a 13–3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican Members voting for him, along with all Democratic Members.

Even though he was voted out 13–3, the nomination was held on the Senate Executive Calendar without action until the Senate adjourned last year, and returned to the President after 16 months with no Senate action. A secret hold had done its work and cost this fine man and outstanding jurist an up-or-down vote. The President renominated him back in January of this year. We reported his nomination favorably a second time this year a few months ago.

Justice White deserves better than benign negligence. The people of Missouri deserve a fully qualified and staffed Federal bench. He has one of the finest records and experience of any lawyer to come before the Judiciary Committee in my 25 years there. He served in the Missouri Legislature, the Office of the City Council for the city of St. Louis, and as a judge in the Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

I believe he will be an invaluable asset. I am pleased we are finally having a discussion, even though 27 months is too long to wait, too long to wait for a floor vote, on this distinguished African American justice. Finally he will get the respect he should have from this body.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its Members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

Let us show respect to the federal judiciary and to the American people to whom justice is being denied due to this unprecedented slowdown in the confirmation process. I am proud to support the nomination of Justice Ronnie White for United States District Judge for the Eastern District of Missouri. I was delighted when last Friday, the Democratic leader was able to announce that we had finally been able to obtain Republican agreement to vote on this nomination. I thank the Democratic leader and all who have helped bring us to the vote tomorrow on the nomination of Justice White. It has been a long time coming.

Tomorrow the Senate will act on the nomination of Brian Theadore Stewart, who has not had to wait a long time with the others. I have said over the last few weeks that I do not begrudge Ted Stewart a Senate vote; rather, I believe that all the judicial nominations on the Senate Executive Calendar deserve a fair up or down vote. That includes Judge Richard Paez, who was first nominated 44 months ago and Marsha Berzon who was first nominated 20 months ago.

Tomorrow we will vote on the Stewart nomination but Senate Republicans still refuse to vote on these two other qualified nominees who have been pending far longer.

The Senate was able to consider and vote on the nomination of Robert Bork to the United States Supreme Court in 12 weeks, the Senate was able to consider and vote on the nomination of Justice Clarence Thomas in 14 weeks. It is now approximately 2 months from the Senate's receipt of the Stewart nomination, and we are now about to vote on his confirmation. I feel even more strongly that we should also be voting on the nomination of Judge Richard Paez, which has been pending almost 4 years, and that of Marsha Berzon, which has been pending almost 2 years.

Despite strong opposition from many quarters from Utah and around the country, from environmentalists and civil rights advocates alike, I did not oppose the Stewart nomination in Committee. I noted Mr. Stewart's commitment to examine his role in a number of environmental matters while in the State government and to recuse himself from hearing cases in those areas. In response to questions from Chairman HATCH and Senator FEINGOLD, Mr. Stewart committed to ''liberally interpret'' the recusal standards to ensure that those matters would be heard by a fair and impartial judge and to avoiding even the appearance of impropriety or possible conflicts of interest.

I cooperated in Chairman HATCH's efforts to expedite Committee consideration of the Stewart nomination with the expectation that these other nominees who have been held up so long, nominees like Judge Richard Paez and Marsha Berzon, were to be considered by the Senate and finally voted on, as well. The Chairman and I have both voted for Judge Paez each time he was considered by the Committee and we both voted for and support Marsha Berzon.

I have tried to work with the Chairman and with the Majority Leader on all these nominations. I would like to work with those Senators whom the Majority Leader is protecting from having to vote on the Paez and Berzon nominations, but I do not know who they are. Despite the policy against secret holds, there are apparently secret Senate holds against both Paez and Berzon. That is wrong and unfair.

As we prepare to vote on the nomination of Ted Stewart, the Senate should also be voting on the nominations of Judge Richard Paez and Marsha Berzon. The Stewart nomination has been pending barely 2 months, the Berzon nomination has been stalled for almost 2 years and the Paez nomination has set a new, all-time record, having now been pending for almost 4 years. The Paez nomination was referred to in the Los Angeles Times recently as the ''Cal Ripken of judicial confirmation battles.'' What is most shameful is that the Senate is obstructing an up-or-down vote on these nominations without debate, without accountability and under the cloak of anonymity.

Certainly no President has consulted more closely with Senators of the other party on judicial nominations, which has greatly expanded the time this Administration has taken to make nominations. The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long. We should start by voting up or down on the Paez and Berzon nominations without further delay. That is the fair thing to do. The Majority Leader committed last Friday to finding a way to bring these two nominations to a vote. It is time for those votes to be occur.

This summer, in his remarks to the American Bar Association, the President, again, urged us to action. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility. I continue to urge the Republican Senate leadership to attend to these nominations without obstruction and proceed to vote on them with dispatch. The continuing refusal to vote on the nominations of Judge Richard Paez and Marsha Berzon demeans the Senate and all Americans.

It is my hope that the example we set here tonight and tomorrow will move the Senate into a new and more productive chapter of our efforts to consider judicial nominations. We are proceeding to vote on a judicial nominee that some Democratic Senators oppose in order to demonstrate our commitment to fairness for all. There was never a justification for the Republican majority to deny any judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I will close with this. Let us move to a new and more productive chapter in our efforts to consider judicial nominations. Let us erase what has become a badge of shame for the Senate: You are a judicial nominee, and if you are a minority or a woman, no matter how good your qualifications are, you take much longer to go through this body than does a white male. That is a badge of shame on this great institution. Before we finish this year, we should erase it. We should say the Senate does not have a gender or a race or ethnicity qualification for judges. The Senate will vote on men nominees; vote them up or vote them down, but we will vote on them. We will not say if you are a woman or a minority you have to wait longer than anybody else because that is what the Senate has been doing and it is wrong. It is shameful. It is inexcusable. It demeans this great and wonderful institution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know my colleague from Missouri is going to speak, as will others. But I did want to follow the great Senator from Vermont, Mr. PAT LEAHY, who has done such an admirable job as the ranking member of the Judiciary Committee in fighting for fairness. If you listen to his remarks carefully, what he is basically saying is: Bring to the floor of the Senate the nominees who have been voted out of the committee; let's debate them; let's talk about them; let's talk about their merits. If you have a problem with them, put it out there. But let's vote. That is the least we can do for these good people.

Every single one of these people who have gone through the committee, has a current job. When they were nominated, and especially when they were voted out of the committee, they assumed they would be going to a new job, to be a judge. They had every reason to assume that because a good vote out of that committee—getting the support of Senator HATCH and usually one or two or three more on the Republican side, and all the Democrats—means you had the votes to get to the floor of the Senate.

As my friend has pointed out, it is very sad. We have had some bad situations develop. I was very hopeful, in this new round of approvals we have gone through—and I am grateful for the fact we have moved a few judges through—I was hopeful we would break the logjam with Judge Richard Paez and with Marsha Berzon, for several reasons.

One, they are terrific people. They would make great judges. They were voted out of the committee several times. They deserve a vote. They have loving family members. I have had the wonderful opportunity to meet their families: In the case of Richard Paez, his wife and children; in the case of Marsha, her husband and children. They are waiting for something to happen. This is not fair.

So while I am glad we are moving some court nominees—I am pleased we are doing that—I think we need to do more in the interests of the country. We need to do more. In the interests of fairness to these people, we need to do more.

Let me go into a few details about Richard Paez. Currently, he serves on the Federal bench as a district court judge in the Central District of California. He was first nominated by President Clinton to the court of appeals on January 25, 1996. Seven months later, on July 31, 1996, the Judiciary Committee finally held a hearing on Judge Paez' nomination.

Let me point out something. This is the same Judge Paez who came right through this Senate when we supported him for district court. So he is not a stranger to the Judiciary Committee. He is not a stranger to the Senate. We already approved him when he was nominated and took his seat on the district court. So here we have a situation where it took him 7 months to get his first hearing and then the Senate adjourned for the year without having reported the nomination. That was 1996.

Now we get to 1997. The President nominates Judge Paez for the second time. On February 25, the Judiciary Committee held a second hearing on the nomination. That was 1997.

On March 19, 1998, 1 year and 2 months later, Judge Paez' nomination was finally reported by the Judiciary Committee to the full Senate. But in the 7 months following, the Senate failed to act on the nomination, and it adjourned with that nomination still on the Executive Calendar.

Again, this year, for the third time, the President nominates Richard Paez to the Ninth Circuit Court. May I say, there are several vacancies on that court, more than half a dozen. So we are looking at a court that is not running at full speed. When there are 28 members is when they are completely full. Now they have all these vacancies. So the nomination is reported favorably by the Judiciary Committee on July 29 of this year, but again the full Senate has failed to act.

So it brings us to this day, where we have a little bit of a breakthrough. We are going to move forward five judges. I am glad we are doing it. But we have to be fair and look at this terrific judge, Judge Richard Paez.

I think we have an obligation to him and his family, and frankly, to the President, who is the President who has nominated this gentleman several times.

Sure, if the shoe was on the other foot and we had a Republican President, I do believe my colleagues would be saying: Give us an up-or-down vote. I do not think that Richard Paez, the wonderful human being that he is, deserves to be strung out by the Senate—3½ years strung out. I cannot understand why. I looked back through the record, and there is no one else who has been treated like this.

I say to my Republican friends, we do not know who has put a hold——

The PRESIDING OFFICER. The time allotted to the Senator from Vermont has expired.

Mrs. BOXER. What is the agreement because Senator LEAHY's staff is surprised his time has run out. Can the Chair tell me how much time remains?

The PRESIDING OFFICER. There was to be 45 minutes equally divided between the Senator from Vermont and the chairman of the Judiciary Committee, Senator HATCH, with an additional 15 minutes reserved for the distinguished Senator from Missouri.

Mr. BENNETT. Mr. President, I will be happy to yield an additional 2 or 3 minutes to the Senator from California so she may finish her statement.

Mrs. BOXER. Can the Senator from Utah make that 7 minutes since we accommodated the Senator from Missouri? If I may have 7 minutes, I can conclude.

Mr. BENNETT. I accede to the unanimous consent request for 7 additional minutes, not coming off our time.

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

Mrs. BOXER. Mr. President, I thank my colleague. I will try to finish in 5. I have not gotten to Marsha Berzon yet.

We are setting a record of which we should not be proud. This man has been strung out for 3½ years. He is a good man. He has a solid record, and we have an obligation to him and his family, the members of the legal and law enforcement communities, to the judicial system itself, and to the Latino community that is so very proud of him. Again, the Senate approved him to the district court. He has served with distinction there.

Judge Paez not only served in the district court, but he also served 13 years as a judge on the L.A. Municipal Court, one of the largest municipal courts in the country. He is such a leader that his colleagues elected him to serve as both supervising judge and presiding judge.

His support in the law enforcement community is pretty overwhelming. The late Sheriff Sherman Block of Los Angeles, a Republican, supported him. He is supported by Sheldon Sloan, the

former chairman of the judicial selection committees for both Senators Pete Wilson and John Seymour.

He is supported by Representative JAMES ROGAN, who was his colleague on the municipal court. Those who know me and JAMES ROGAN know we do not agree on a lot of things. We agree on Judge Paez.

He is supported by Gil Garcetti, district attorney for Los Angeles.

All these people have written wonderful things about him.

James Hahn, the Los Angeles city attorney, says ''his ethical standards are of the highest caliber. . . .''

Peter Brodie, president of the Association of L.A. Deputy Sheriffs, a 6,000-member organization, wrote to Chairman HATCH in support of Judge Paez's nomination.

The commissioner of the Department of California Highway Patrol says that ''Judge Paez . . . [is very] well qualified,'' and ''his character and integrity are impeccable.''

We have a good man here. Let's vote him up or down. I know the Senate will vote him in. I know that. I have not only spoken, I say to my friend from Vermont, to Democrats, but I have spoken to Republicans who intend to support him. So he will win that vote.

The second nominee, Marsha Berzon, is another example of a longstanding nominee who is being denied a vote by the full Senate.

In 1998—Senator LEAHY laid it out—she received an extensive two-part confirmation hearing, written questions, written answers, and she extensively answered every question of the committee. In 1999, she was favorably reported out of the committee.

Again, she is so well qualified. Marsha Berzon graduated cum laude from Radcliffe College in 1966, and in 1973, she received her Juris Doctor from UC Berkeley, Boalt Hall Law School, one of the greatest law schools in the country.

She has written dozens of U.S. Supreme Court briefs and has argued four court cases before the U.S. Supreme Court. She has had extensive experience appearing in Federal appeals courts, and it goes on and on.

She has received significant Republican support. Former Republican Senator James McClure of Idaho says:

> What becomes clear is that Ms. Berzon's intellect, experience and unquestioned integrity have led to strong and bipartisan support for her appointment.

J. Dennis McQuaid, an attorney from Marin County, my opponent when I first ran for the House of Representatives in 1982, says of Marsha:

> Unlike some advocates, she enjoys a reputation that is devoid of any remotely partisan agenda.

W.I. Usery, a former Republican Secretary of Labor under President Ford, has said that Marsha Berzon has all the qualifications needed, and he goes on.

Senator SPECTER has said very flattering things about Marsha Berzon. She has strong support from both sides of the aisle.

We have lots of vacancies on this court, and we have two fine people who are just waiting for the chance to serve. These people do not come along every day.

I want to address myself to the question raised by my friend from Vermont who has shared with me that there have been some independent studies that show, sadly, that if you are a minority, or if you are a woman, you do not seem to get looked at by the Senate; you do not seem to get acted on. You hang around; you wait around for a vote.

This is not a reputation the Senate wants. We want to give everyone a chance, and these are two candidates, a woman and a minority, who are so qualified that they were voted out in a bipartisan vote of the committee. I call on my friends on the other side of the aisle who may be holding up these nominees—I do not know who they are. I thought we said you have to come out and identify yourself, but so far I do not know who is holding these up.

I beg of you, in the name of fairness and justice and all things that are good in our country, give people a chance. If you do not think they are good, if you have a problem with something they said or did, bring it down to the floor. We can debate it. But please do not hold up these nominees. It is wrong. You would not do it to a friend. You would not do it to someone of whom you thought highly, so do not do it to these good people. They have families. They have jobs. They have careers. They are good people.

All we are asking for is a vote. I do not want to see people throughout the country coming to see us in our offices and claiming that women and minorities are not getting fair treatment. That is not what we should be about, and I do not think that is what we are about. But that is the kind of reputation this Senate is getting across this land.

We can fix it. We should follow the leadership of Senator LEAHY from Vermont because he has said very clearly for many months now: Bring these good people forward.

I want to say a kind word about Senator HATCH. Senator HATCH has said to me from day 1: Senator BOXER, when you bring me a nominee, I want you to make sure that not only are they well qualified, but that they have bipartisan support.

He looked me in the eye, even though he is a foot taller, and said: You promise me that.

I said: Senator HATCH, I will do that.

I have done that in these cases. These are two Ninth Circuit nominees who were nominated by the President, but I have supported them and Senator FEINSTEIN has supported them. They got the vote of Senator HATCH because he knows we have been very careful to nominate people who have mainstream support in the community. I promised him that. I have done that. He has been fair to me. I hope all of the Senate will be fair to these two nominees.

Mr. President, I thank Senator BENNETT for his kindness in giving me the additional time. I look forward to moving forward with these nominees we have before us and certainly, at a minimum, on Marsha Berzon, Richard Paez, and the others who are waiting in the wings for their day. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I believe I have 15 minutes on the nomination of Missouri Supreme Court Judge Ronnie White.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Mr. President, I rise today to oppose the nomination of Judge Ronnie White to the United States District Court for the Eastern District of Missouri.

Confirming judges is serious business. People we put into these Federal judgeships are there for life, removed only with great difficulty, as is evidenced by the fact that removals have been extremely rare.

There is enormous power on the Federal bench. Most of us have seen things happen through judges that could never have gotten through the House or Senate.

Alexander Hamilton, in Federalist Paper No. 78, put it this way:

> If [judges] should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.

Alexander Hamilton, at the beginning of this Nation, knew just how important it was for us to look carefully at those who would be nominated for and confirmed to serve as judges.

A judge who substitutes his will or her will for the legislative will, by displacing the legislative intent in enlarging the Constitution or amending it by saying, it is an evolutionary document and I am going to say now it has evolved to this state or that state, as opposed to an earlier state—that kind of judge is involved in what I call ''judicial activism.'' Judicial activism is simply the substitution of one's personal politics instead of the legislative will as expressed in our documents of the Constitution or in the law.

At no other place in our Republic do voters have virtually no recourse. This is an important thing for us to consider as we evaluate judges and we seek to determine whether or not their confirmation would be appropriate.

So as it relates to Judge Ronnie White, who serves now as a supreme court judge in the State of Missouri, upon his nomination I began to undertake a review of his opinions, and especially those circumstances and dissents where, as a judge on the Missouri Supreme Court, Judge White would have sought to change or otherwise extend or amend the law as it related to a variety of matters, especially in the area of criminal law. I also heeded carefully his answers during his confirmation

hearing and his answers to followup questions.

I believe Judge White's opinions have been and, if confirmed, his opinions on the Federal bench will continue to be procriminal and activist, with a slant toward criminals and defendants against prosecutors and the culture in terms of maintaining order; he will use his lifetime appointment to push law in a procriminal direction, consistent with his own personal political agenda, rather than defer to the legislative will of the people and interpret the law rather than expand it or redirect the law.

I believe the law should be interpreted as written, as intended by the legislature, not as amended or expanded by the courts. I believe Judge White will, as Alexander Hamilton so aptly described in Federalist 78, improperly ''exercise will instead of judgment.'' This is particularly true in the area of criminal law.

I am not alone in this view. Judge White's nomination has sparked strong concerns from a large number of Missouri law enforcement officials. Seventy-seven of the 114 sheriffs in the State of Missouri have decided to call our attention to Judge White's record in the criminal law. I do not take lightly the fact that 77 of these law enforcement, ground-zero sheriffs—people who actually are involved in making the arrests and apprehending those who have broken the law—would ask us to look very carefully at this nominee. They cite specific opinions he has written and say these are the kinds of opinions that give them great pause.

Anyone who knows something about Missouri's political system knows that 77 out of 114 sheriffs would be a bipartisan delegation. As a matter of fact, over 70 percent of all the public officials in Missouri who are nominated and elected are Democrats. So you have 77 of the 114 sheriffs of Missouri on record saying: Look carefully. Evaluate very carefully this nominee to the federal bench.

The Missouri Federation of Police Chiefs, an organization of police chiefs that spreads all across the State of Missouri, has indicated to us that we ought to tread very lightly here. As a matter of fact, they express real shock and dismay at the nomination. Prosecutors have contacted me with their public letters. And, frankly, other judges in the State have suggested to me I should think and consider very carefully whether or not we proceed in this matter.

The letter from the Missouri Federation of Police Chiefs is very direct. It says:

> We want to go on record with your offices as being opposed to his nomination and hope you will vote against him.

I want to express that the concern about Judge Ronnie White is far broader than some of us in the Senate; it goes to a majority of the sheriffs in the State, with an official letter of expression from the Missouri Federation of Police Chiefs. There are prosecutors who have come to me and asked me to think very carefully about the qualifications and the philosophy expressed by this nominee.

This opposition stems largely from Judge White's opinions in capital murder cases. These opinions, and particularly his dissents, reflect a serious bias against a willingness to impose the death penalty.

Judge White has been more liberal on the death penalty during his tenure than any other judge on the Missouri Supreme Court. He has dissented in death penalty cases more than any other judge during his tenure. He has written or joined in three times as many dissents in death penalty cases, and apparently it is unimportant how gruesome or egregious the facts or how clear the evidence of guilt. He has been very willing to say: We should seek, at every turn, in some of these cases to provide an additional opportunity for an individual to escape punishment.

This bias is especially troubling to me because, if confirmed, Judge White will have the power to review the death penalty decisions of the Missouri Supreme Court on habeas corpus. In the seat of district court, Judge White's sole dissents are transformed into a veto power over the judicial system of the State of Missouri. I do not think that should happen.

Let me give you an example of Judge White's sole dissent in the highly publicized case of Missouri v. Johnson.

James R. Johnson was a brutal cop killer. He went on a shooting rampage in a small town called Carolina, MO. It sent shock waves across the entire State in 1991—during the time I had the privilege to serve as Governor of the State. At that time, James Johnson stalked and killed a sheriff, two sheriff's deputies, and Pamela Jones, a sheriff's wife.

Johnson first shot a deputy who had responded to a call about a domestic dispute at Johnson's house. He shot the deputy in the back and then walked over, as the deputy lay on the ground, and shot him in the forehead, killing him.

Johnson then reloaded his car with guns and drove to the local sheriff's home. There the sheriff's wife, Pamela Jones, was having a Christmas party. Johnson fired a rifle repeatedly through the window, hitting Mrs. Jones five times. Mrs. Jones died of those wounds in her home in front of her family.

Then Johnson went to another deputy sheriff's home and shot him through a window as the deputy spoke on the phone. That deputy was lucky and survived.

Johnson then went to the sheriff's office, where other law enforcement officers had assembled to try to address the ongoing rampage that was terrorizing the town. Johnson lay in wait until officers left the meeting and then opened fire on them, killing one officer.

Then as another officer arrived on the scene in her car, Johnson shot and killed her. It was then that Johnson fled to the house of an elderly woman who he held hostage for 24 hours. She eventually convinced Johnson to release her, and she notified the authorities who apprehended Johnson. He was tried and convicted on four counts of first degree murder and given four death sentences, convicted on all counts, received four separate death sentences. In a sole dissent urging a lower legal standard so that this convicted multiple cop killer would be allowed a second bite at the apple to convince a different jury that he was not guilty, Ronnie White sought to give James Johnson another chance.

Sheriff Jones, obviously, opposes this nomination. He is urging law enforcement officers to oppose it because he believes there is a pattern of these kinds of decisions in the opinions and dissents of Judge White. He believes there is a pattern of procriminal opinions, and I think if one looks carefully, one might see that pattern.

Judge White was also the sole dissenter in a case called Missouri v. Kinder. In that case, the defendant raped and beat a woman to death with a lead pipe. White voted to grant the defendant a new trial, despite clear evidence of guilt, including eyewitness testimony that Kinder was seen leaving the scene of the crime at the time of the murder with a pipe in his hand, and genetic material was found with the victim. White dissented based on the alleged racial bias of the judge, which he urged was made evident by a press release the judge had issued to explain his change in party affiliation. The judge changed parties at sometime prior to this case, and the judge, in explaining his change of party, said he was opposed to affirmative action, discriminating in favor of one race over another race. He left the one party he was in because he disagreed with their position on affirmative action. That was the only basis for Judge White to provide a new opportunity for this individual to get a second bite at the apple, not the evidence about his conduct, the genetic material, or the eyewitness testimony.

Judge White's procriminal jurisprudence is not limited to murder cases. It extends to drug cases as well. In the case of Missouri v. Damask, Judge White's sole dissent in a drug and weapons seizure case, I think, reveals this same tendency on the part of this judge to rule in favor of criminal defendants and the accused in a procriminal matter and procriminal manner.

This was a case, Missouri v. Damask, about a drug checkpoint set up by the Missouri State police. The State police had erected a traffic sign on the highway in the middle of the night indicating ''drug checkpoint ahead.'' The sign was placed just before a remote exit, one which only local residents would have cause to use. Those seeking

to avoid the ''drug checkpoint'' by exiting met with a real drug checkpoint at the top of the exit ramp. There were no gas stations, no restaurants or facilities at that exit. Motorists exiting at that exit were stopped and asked why they exited. If police were able to determine from their answers that they were suitably suspicious to warrant a search, they searched their cars. It was a very successful program, netting numerous arrests.

The Missouri Supreme Court upheld the practice as a reasonable search and seizure under the fourth amendment, consistent with many rulings of our Federal courts interpreting the fourth amendment.

Judge White was the sole dissenter in an opinion that seemed less concerned with the established fourth amendment precedent than with whether the search was intimidating. Judge White's opinion would have hamstrung this effective tool in the war on drugs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, I yield the Senator an additional 10 minutes.

Mr. ASHCROFT. I thank the Senator from Utah.

It is these opinions and other opinions like them that have generated the concern in the Missouri law enforcement community about Judge White and have caused me to conclude that I must oppose his confirmation. It doesn't mean I oppose his coming to the floor. I am entirely willing to let the Senate express itself in this respect. But I urge my fellow Senators to consider whether we should sanction the life appointment to the responsibility of a Federal district court judge for one who has earned a vote of no confidence from so many in the law enforcement community in the State in which he resides. Many of my fellow Senators on the Judiciary Committee determined we should not and voted against his nomination.

I ask my fellow Senators to review Judge White's record carefully. Keep in mind that he will not only sit for life, but he will still have occasion to vote on death penalty cases reviewed by the Missouri Supreme Court.

Again, as a district judge, he will be able to hear habeas corpus petitions challenging death sentences that have been upheld by the Missouri Supreme Court; only, as a district judge, his sole dissenting vote will be enough to reverse a unanimous opinion by the Missouri Supreme Court. He will have a veto over the Missouri Supreme Court in death penalty cases. And based on Judge White's track record, this is not a situation that the law-abiding citizens of Missouri should have to endure.

As I conclude my remarks, I will read some of the text of communications I have received concerning this nominee. Sheriff Kenny Jones, whose wife was murdered by James Johnson, put it this way: Every law enforcement and every law-abiding citizen needs judges who will enforce the law without fear or favor. As law enforcement officers, we need judges who will back us up and not go looking for outrageous technicalities so a criminal can get off. We don't need a judge such as Ronnie White on the Federal court bench.

I quote again from another paragraph: The Johnson case isn't the only antideath penalty ruling by Judge White. He has voted against capital punishment more than any other judge on the court. I believe there is a pattern here. To me, Ronnie White is clearly the wrong person to entrust with the tremendous power of a Federal judge who serves for life.

A letter from a prosecutor: Judge White's record is unmistakably antilaw enforcement, and we believe his nomination should be defeated. His rulings and dissenting opinions on capital cases and on fourth amendment issues should be disqualifying factors when considering his nomination.

A letter from the Missouri Sheriffs Association: Attached please find a copy of the dissenting opinion rendered by Missouri Supreme Court Judge Ronnie White in the case of State of Missouri v. James R. Johnson.

Then a recitation of how James Johnson murdered Pam Jones, the wife of the Moniteau County sheriff, Kenny Jones. And then: As per attached, the Missouri Sheriffs strongly encourage you to consider this dissenting opinion in the nomination of Judge Ronnie White to be a U.S. district court judge.

Mr. LEAHY. Will the Senator yield for a question? Mr. President, will the Senator from Missouri yield for a question?

Mr. ASHCROFT. Yes, I will.

Mr. LEAHY. It is my understanding that Justice White has voted 17 times for death penalty reversals. Is that the understanding of the Senator from Missouri?

Mr. ASHCROFT. I don't have the specific count.

Mr. LEAHY. The numbers I have seen are that he has voted 17 times for reversal. Justice Covington, however, has voted 24 times for reversal in death penalty cases; Justice Holstein, 24 times; Justice Benton, 19 times; and Justice Price, 18 times. It would appear to me that at least Justices Covington, Holstein, Benton and Price, all on the Supreme Court, have voted many more times to reverse death sentences than Justice White has. Are these numbers similar to what the Senator from Missouri has?

Mr. ASHCROFT. Mr. President, I think I can go to the question here that I think the Senator is driving at. I will be happy to do that. The judges that the Senator from Vermont has named have served a variety of tenures, far in excess of the tenure of Judge White.

The clear fact is that, during his tenure, he has far more frequently dissented in capital cases than any other judge. He has, I believe, participated in 3 times as many dissents as any other judge. To try to compare a list of dissents or items from other judges from other timeframes, longer intervals, and a variety of different facts, with the tenure that Judge Ronnie White has served is like comparing apples and oranges. And the numerics thereof, without that additional aspect of the situation being revealed, may appear to cause a conclusion that would be different.

With that in mind, if you will think carefully about what I said, I believe I thought carefully when I said ''Judge White's record during his tenure''; that is what you have to be able to compare, judges during the same interval of time. With that in mind, during that same interval of time, he has been the champion of those dissenting in death penalty cases and has dissented in ways which, very frankly, have occasioned an outcry from the law enforcement community in Missouri. None of the other judges that I know of have been the recipients of that kind of outcry.

There is one final point that I will make. Those are other notable judges and they have records and serve on the Missouri Supreme Court. They are not persons against whom the law enforcement community has raised issues. But they are also not persons who have been nominated for service on the U.S. District Court, a court which could set aside the verdicts of the Missouri Supreme Court in habeas corpus cases. So while I think those particular judges are important—and if they are nominated for the Federal Court, I think we ought to look carefully at their work product.

So there are two points to be made here. One, the relevance of the numbers is only relevant in the context of the interval. To suggest that the numbers are out there, without defining the interval, would be inappropriate and misleading. So I would not do that.

Secondly, I think the relevance of a record that is unsatisfactory is directly appropriate to the judge who has been nominated. So we are not here to talk about other judges so much as we are to talk about whether or not Ronnie White ought to be confirmed as a member of the U.S. District Court. In my judgment, the law enforcement community in Missouri has expressed serious reservations about his lean toward defendants, and I think we should not vote to confirm him. I urge my colleagues not to vote to confirm Judge White, based on this understanding of the Missouri law enforcement community and a reading of his judicial papers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BENNETT. I am happy to.

Mr. LEAHY. I just note that Justice Ronnie White is far more apt to affirm a death penalty decision than to vote as one of many members of the Supreme Court to reverse it. He has voted

to affirm 41 times and voted to reverse only 17 times.

Mr. BENNETT. Mr. President, the Senator from Alabama has asked for 5 minutes. I yield 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his leadership in this matter. I want to share a few thoughts with Members of this body. I do believe in the rule of law. I believe that we ought to maintain it. I practiced full time in Federal Courts throughout my career, for almost 17 years. I respect Federal Judges and Federal law deeply. When appropriate, I have tried to support President Clinton's nominees for Federal Judgeships, because I believe a President should have some leeway in deciding who should serve on the Federal bench.

But I want to say a couple things about the Ninth Circuit. Since I have been in this body—a little over 2 years now—having left the practice of law as a full-time Federal prosecutor, I have had an understanding of the Ninth Circuit better than a lot of other people. I see Ninth Circuit criminal cases cited in Alabama and other areas very frequently because they are usually very pro-defendant. There will be no other criminal case in America that has been partial to a defendant in a given situation—for example a search and seizure, or something like that—and they will find a pro-defendant case in the Ninth Circuit.

I can say with confidence, from my experience, that the Ninth Circuit authorities are not well respected by the other circuits in America. They are out of the mainstream. In fact, the Supreme Court has begun to really rap their knuckles consistently. In 1996 and 1997, 28 cases from the Ninth Circuit went up to the U.S. Supreme Court for review, and 27 of them were reversed. In 1997 and 1998, 13 out of 17 were reversed. In 1998 and 1999, it was 14 out of 18. In the past, the numbers have been equally high—for over a decade.

The New York Times recently wrote that a majority of the members of the U.S. Supreme Court consider the Ninth Circuit to be a ''rogue'' circuit, a circuit out of control based on the history of their reversal rates. This is not me making this up; that is according to the New York Times.

I have been urging the President of the United States to nominate mainstream judges for the Ninth Circuit. That is what we are asking for. Let's get this circuit back into line so that we can have the largest circuit in America give the 20 percent of the people in the United States who are under the Ninth Circuit's jurisdiction justice consistent with the other circuits in America. These people are currently denied this justice because of their extremely liberal, activist circuit. There is no other way to say it. There was an Oregon Bar Bulletin article that studied this issue. The article examined the question of why the Ninth Circuit was being reversed so much in 1997. The article says: ''There is probably an element of truth to the claim that the Ninth Circuit has a relatively higher proportion of liberal judges than other circuits.'' It goes on to note how many are Carter and Clinton nominees. Already, a substantial majority—12 of the active 21 judges—were Carter or Clinton nominees. There is nothing wrong with that per se, however the nominees the White House has been sending to us from California have been even more liberal than the nominees President Clinton has nominated in other circuits. I don't see this kind of activism in nominees to other circuits. So the way I see this thing—and this is important for the members of this Senate to realize—we have the responsibility of advice and consent on judicial nominations. That is a responsibility given to us. We have to exercise it.

What I have been saying to President Clinton is, Mr. President, listen to us. Let's get this circuit—this rogue circuit—back into line. Give us mainstream nominees.

Mr. Fisher is, in my view, a fairly liberal Clinton appointee.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. If I could have 1 more minute.

Mr. BENNETT. I yield the Senator an additional minute.

Mr. SESSIONS. It is part of our responsibility to advise and consent. It is our duty to examine the state of justice in America, and to tell President Clinton that we are not going to continue to approve activist nominees for the Ninth Circuit. We have to have some mainstream legal talent on that circuit, not ACLU members or the like. And, if he will give us that, we will affirm them. If he does not, this Senator will oppose them.

I thank the Chair. I yield my time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am somewhat unfamiliar with the assignment of handling judicial nominees, that being the daily bread of my senior colleague, Senator HATCH. He is unable to be here, and therefore has asked me to step in in his place. I am glad to do whatever I can to help.

Ted Stewart has a background that, in my view, qualifies him to be a Federal judge, a view shared by the American Bar Association that has labeled him as qualified, and by a large number of Utahans of both political parties.

I first met Ted Stewart when I decided to run for the Senate. I found that he had beat me in that decision and was already in the field. I knew little or nothing about him. But I quickly learned as we went through the process of traveling the State in tandem with the other candidates that he was a man of great wisdom, an articulate man, and a man of good humor. We became fast friends even though we were opponents for the same seat.

One of the proudest moments in my campaign was the fact that after the State convention had narrowed the candidates to two, eliminating Ted Stewart, his organization became part of my organization. He maintained an appropriate judicial neutrality between me and the other candidate. But our friendship was established and has gone forward until this day.

I point out that judicial neutrality because it is typical of Ted Stewart. I know he had a personal preference. I will not disclose what it was. He was appropriately judicial, however, in keeping that personal preference to himself and taking the position that was right and proper under those circumstances. That demonstrates what we hear referred to around here from time to time as ''judicial temperament.''

The Senator from Alabama has talked about the reversal rate of the Ninth Circuit. We have had experience with the reversal rates in the State of Utah from Federal judges.

I remember on one occasion where I was in the presence of a young woman who had served on a jury of a highly celebrated case in the State of Utah and had voted in a way that was reversed when the case got to the circuit court. I asked her about it because it was interesting to me. She said: Well, I didn't want to vote that way, and neither did any other member of the jury, but the charge we received from the judge made it impossible for us to vote any other way.

After the trial was over, she said she and the other members of the jury were visiting with the lawyer who had supported the losing side, and they apologized to him for voting against him. They said: We thought you had the best case. But under the charge we were given by the judge, we had no choice but to vote against you. The lawyer smiled, and said: I know. And I expected that to happen because the judge in this case has such a high record of reversal that I didn't want to run the risk of having won a trial in his court. I knew my chances of winning on appeal were far greater if I had this judge on record against me.

Those who know this judge rated him as one of the most brilliant men ever appointed to the bench. He may have had that great intellect, but he did not have the common sense and the judicial temperament that made it possible for him to do his job. Tragically, the circuit court did his job for him again and again and again at great expense and inconvenience not only to the judicial system but to those plaintiffs and defendants who came before him.

I cite that because I am convinced in Judge Stewart's court you will not find that kind of bullheadedness and determination to have his own way as we saw in this other court.

In Judge Stewart's court, you will find the kind of levelheadedness, the desire to find the right answer, and the

willingness to work things out wherever possible as he has demonstrated throughout his career up to this point.

He has already had experience on a commission that required him to demonstrate that kind of judicial temperament. He handled his assignment there in such a way as to win him the endorsement of Democrats as well as Republicans.

I know there is some controversy surrounding him because he is the Governor's chief of staff. There are many people who, looking at the things he has done in his loyalty to the Governor, have said: Well, his opinions are not acceptable to us.

They have been critical of him. They do not know the man if they maintain that criticism because he will never depart from his conviction that the law comes first. He has demonstrated loyalty to those who have appointed him. But he has also demonstrated a capacity to handle the law and handle the regulations that he is charged with enforcing in a way that will make all Americans proud.

I am happy to join my senior colleague in endorsing the nomination of Ted Stewart for the Federal bench. I look forward with great enthusiasm to voting for him tomorrow.

I am grateful to the senior Senator from Vermont for his announcement that he, too, will vote for Ted Stewart. I hope, with both the chairman and the ranking member of the Judiciary Committee solidly in Judge Stewart's behalf, that we will have an overwhelmingly positive vote for him.

NOMINATIONS OF RAY FISHER, MARSHA BERZON, AND RICHARD PAEZ

Mrs. FEINSTEIN. Mr. President, I want to first thank our minority leader for all of his effort in bringing public attention to the plight of pending judicial nominees.

Thanks to Senator DASCHLE's efforts, we have made some progress. Jim Lorenz, a fine California attorney who served seven years on my judicial selection committee, was confirmed on Friday along with Victor Marrero of New York.

Jim Lorenz's confirmation will help address a desperate shortage of judges in the Southern District of California. I have spoken several times with Marilyn Huff, Chief Judge of the Southern District of California, about the District's caseload crisis.

A recent judicial survey ranked the Southern District as the most overburdened court in the country. The weighted average caseload in the Southern District is 1,006 cases per judge, more than twice the national average.

It is also a significant step forward for the Senate that we will have a vote tomorrow on Associate Attorney General, Ray Fisher, to be a Circuit Judge on the Ninth Circuit Court of Appeal.

Ray Fisher is an extraordinary nominee who will add some support to the skeleton crew of judges currently presiding on the Ninth Circuit.

Currently, the Ninth Circuit has seven vacancies, which is 25 percent of the total judgeship positions on the circuit.

Each one of these judicial vacancies qualifies as a judicial emergency. The Chief Judge of the Ninth Circuit reports that the Circuit could handle 750 more cases right now if the vacancies were filled.

Prior to his appointment as Associate Attorney General, Ray Fisher was considered one of the top trial lawyers in Southern California. His legal skills are so highly regarded that he recently was inducted into the American College of Trial Lawyers, an honor bestowed on only the top one percent of the profession.

During his 30 year career in private practice, Ray Fisher specialized in the toughest of cases, complex civil litigation, and in alternate dispute resolution. In 1988, he founded the Los Angeles Office of Heller Ehrman, White and McAullife, an office that has grown from 6 attorneys to 48.

The Standing Committee on Federal Judiciary of the American Bar Association has deemed Mr. Fisher ''Well Qualified'' for appointment as Judge of the United States Court of Appeals.

Ray Fisher graduated from Stanford Law School in 1966, where he was president of The Stanford Law Review and awarded the Order of the Coif. Following law school, he served as a law clerk for Judge J. Skelley Wright of United States Court of Appeals for the District of Columbia Circuit and Supreme Court Justice William Brennan.

I am confident Ray Fisher's acute interest in public service, specifically in public safety, and his overarching concern for fairness will serve the Ninth Circuit well.

However, I am disappointed that the Senate could not confirm other pending Ninth Circuit nominees. Ray Fisher is a start, but six vacancies remain on the Ninth Circuit Court of Appeals.

Two of those vacancies should be filled by Marsha Berzon and Judge Richard Paez.

It is a disturbing fact that women and minority nominees are having a difficult time getting confirmed by the Senate.

A report by the independent, bipartisan group Citizens for Independent Courts released last week found that during the 105th Congress, the average time between nomination and confirmation for male nominees was 184 days, while for women it was 249 days—a full 2 months longer.

This disturbing trend continues this year. Women and minorities constitute over 55 percent of the President's nominees in 1999; by contrast, only 41 percent of the nominees confirmed this year by the Senate are women or minorities.

All we have ever asked for Marsha Berzon and Richard Paez is that both nominees get an up-or-down vote. If a Senator has a problem with particular nominees, he or she should vote against them. But a nominee should not be held up interminably by a handful of Senators.

Let me assure my colleagues, this does not mark the end of a fight. At some point, legislation is not going to move until Marsha Berzon and Judge Richard Paez get an up-or-down vote. Let me take a moment to discuss the nominations process that these two nominees have experienced.

Judge Richard Paez, the first Mexican-American District judge in Los Angeles, was nominated on January 25, 1996—almost four years ago. He still hasn't made it to the Senate Floor for a vote. Any problem with his nomination can't be with his legal background.

He has 17 years of judicial experience. The American Bar Association found him to be ''well-qualified.'' He is also strongly supported by the legal community in Los Angeles including Gil Garcetti, the District Attorney, the Los Angeles County Police Chiefs' Association and the Association for Los Angeles Deputy Sheriffs. Judge Paez has described this interminable nominations process as a ''cloud'' hanging over his head. Litigants in his court constantly query him if the case is going to be continued, if his case is going to be assigned to someone else, or if Judge Paez is going to keep it. No nominee should have to face this uncertainty. His family has been thrust into the public limelight, and for four years every action he has taken has been subject to microscopic scrutiny.

Marsha Berzon was nominated almost a year and a half ago. She had her first hearing on July 30, 1998, and a second hearing in June 1999. Only in July 1999 was she reported out of committee and her nomination is pending before the Senate. Nationally renowned appellate attorney with over 20 years of appellate practice, she clerked for Supreme Court Justice Brennan and U.S. Court of Appeals Judge James Browning. She graduated Order of the Coif from Boalt Hall, has the support of law enforcement including the National Association of Police Organizations (NAPO) and the International Union of Police Organizations, has strong bipartisan support including former Idaho Senator James Mclure and former EPA Administrator William D. Ruckelshaus.

The slow pace of this nomination has caused an incredible burden on Marsha Berzon both personally and professionally. Due to uncertainty over her future, she has significantly curtailed her private practice, and no longer is representing clients before the Supreme Court or the Ninth Circuit.

Chief Justice Rehnquist recently said that ''[t]he Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

Richard Paez and Marsha Berzon do not deserve to have their distinguished

careers and personal lives held in limbo. Our institutional integrity requires an up-or-down vote.

Until Marsha Berzon and Richard Paez get votes, this nominations process will remain tainted.

I assure my colleagues in the Senate that the nominations of Marsha Berzon and Richard Paez will not fade away. We will keep pressing for these nominees until they get the vote they deserve.

● Mr. HATCH. Mr. President, it is a great pleasure for me to support—on the Senate floor—the confirmation of a judicial candidate who is the epitome of good character, broad experience, and a judicious temperament.

First, however, I think it appropriate that I spend a moment to acknowledge the minority for relenting in what I consider to have been an ill-conceived gambit to politicize the judicial confirmations process. My colleagues appear to have made history on September 21 by preventing the invocation of cloture for the first time ever on a district judge's nomination.

This was—and still is—gravely disappointing to me. In a body whose best moments have been those in which statesmanship triumphs over partisanship, this unfortunate statistic does not make for a proud legacy.

My colleagues—who were motivated by the legitimate goal of gaining votes on two particular nominees—pursued a short term offensive which failed to accomplish their objective and risked long-term peril for the nation's judiciary. There now exists on the books a fresh precedent to filibuster judicial nominees whose nominations either political party disagrees with.

I have always, and consistently, taken the position that the Senate must address the qualifications of a judicial nominee by a majority vote, and that the 41 votes necessary to defeat cloture are no substitute for the democratic and constitutional principles that underlie this body's majoritarian premise for confirmation to our federal judiciary.

But now the Senate is moving forward with the nomination of Ted Stewart. I think some of my colleagues realized they had erred in drawing lines in the sand, and that their position threatened to do lasting damage to the Senate's confirmation process, the integrity of the institution, and the judicial branch.

The record of the Judiciary Committee in processing nominees is a good one. I believe the Senate realized that the Committee will continue to hold hearings on those judicial nominees who are qualified, have appropriate judicial temperament, and who respect the rule of law. I had assured my colleagues of this before we reached this temporary impasse and I reiterate this commitment today.

This is not a time for partisan declarations of victory, but I am pleased that my colleagues revisited their decision to hold up the nomination. We are proceeding with a vote on the merits of Ted Stewart's nomination, and we will then proceed upon an arranged schedule to vote on other nominees in precisely the way that was proposed prior to the filibuster vote.

Ultimately, it is my hope for us, as an institution, that instead of signaling a trend, the last two weeks will instead look more like an aberration that was quickly corrected. I look forward to moving ahead to perform our constitutional obligation of providing advice and consent to the President's judicial nominees.

And now, I would like to turn our attention to the merits of Ted Stewart's nomination. I have known Ted Stewart for many years. I have long respected his integrity, his commitment to public service, and his judgment. And I am pleased that President Clinton saw fit to nominate this fine man for a seat on the United States District Court for the District of Utah.

Mr. Stewart received his law degree from the University of Utah School of Law and his undergraduate degree from Utah State University. He worked as a practicing lawyer in Salt Lake City for six years. And he served as trial counsel with the Judge Advocate General in the Utah National Guard.

In 1981, Mr. Stewart came to Washington to work with Congressman JIM HANSEN. His practical legal experience served him well on Capitol Hill, where he was intimately involved in the drafting of legislation.

Mr. Stewart's outstanding record in private practice and in the legislative branch earned him an appointment to the Utah Public Service Commission in 1985. For 7 years, he served in a quasi-judicial capacity on the commission, conducting hearings, receiving evidence, and rendering decisions with findings of fact and conclusions of law.

Mr. Stewart then brought his experience as a practicing lawyer, as a legislative aide, and as a quasi-judicial officer, to the executive branch in state government. Beginning in 1992, he served as Executive Director of the Utah Departments of Commerce and Natural Resources. And since 1998, Mr. Stewart has served as the chief of staff of Governor Mike Leavitt.

Throughout Mr. Stewart's career, in private practice, in the legislative branch, in the executive branch and as a quasi-judicial officer, he has earned the respect of those who have worked for him, those who have worked with him, and those who were affected by his decisions. And a large number of people from all walks of life and both sides of the political aisle have written letters supporting Mr. Stewart's nomination.

James Jenkins, former president of the Utah State Bar, wrote, ''Ted's reputation for good character and industry and his temperament of fairness, objectivity, courtesy, and patience [are] without blemish.''

Utah State Senator, Mike Dmitrich, one of many Democrats supporting this nomination, wrote, ''[Mr. Stewart] has always been fair and deliberate and shown the moderation and thoughtfulness that the judiciary requires.''

And I understand that the American Bar Association has concluded that Ted Stewart meets the qualifications for appointment to the federal district court. This sentiment is strongly shared by many in Utah, including the recent president of the Utah State Bar. For these reasons, Mr. Stewart was approved for confirmation to the bench by an overwhelming majority vote of the Judiciary Committee.

To those who would contend Mr. Stewart has taken so-called anti-environmental positions, I say: look more carefully at his record. Mr. Stewart was the director of Utah's Department of Natural Resources for 5 years, and the fact is that his whole record has earned the respect and support of many local environmental groups.

Indeed, for his actions in protecting reserve water rights in Zion National Park, Mr. Stewart was enthusiastically praised by this administration's Secretary of the Interior.

And consider the encomiums from the following persons hailing from Utah's environmental community:

R.G. Valentine, of the Utah Wetlands Foundation, wrote, ''Mr. Stewart's judgment and judicial evaluation of any project or issue has been one of unbiased and balanced results.''

And Don Peay, of the conservation group Sportsmen for Fish and Wildlife, wrote, ''I have nothing but respect for a man who is honest, fair, considerate, and extremely capable.''

Indeed, far from criticism, Mr. Stewart deserves praise for his major accomplishments in protecting the environment.

Ultimately, the legion of letters and testaments in support of Mr. Stewart's nomination reflects the balanced and fair judgment that he has exhibited over his long and distinguished career. Those who know Ted Stewart know he will continue to serve the public well.

On a final note, Ted Stewart is needed in Utah. The seat he will be taking has been vacant since 1997. So, I am deeply gratified that the Senate is now considering Mr. Stewart for confirmation.●

LEGISLATIVE SESSION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

The Senate resumed legislative session.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there be a period of morning business with Senators to speak for up to 5 minutes each.

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

HOPE FOR AFRICA BILL

Mr. FEINGOLD. Mr. President, on September 24 I introduced a new Africa trade bill—S. 1636, the HOPE for Africa Act—a bill that will invigorate commercial relationships between the United States and African trading partners, with healthy results for both.

It expands trade between Africa and the United States, offers United States companies new opportunities to invest in African economies, and promises new HOPE for the people of Sub-Saharan Africa themselves, who are struggling against daunting odds to gain a foothold in the global marketplace and embrace the growth and stability it will bring.

It's important to say here that everyone proposing Africa trade legislation has the same goal—we all want to help expand trade and development with Africa in a way that is also good for American companies and workers—but it's equally important to point out how we differ in approach, and what those differences will mean for African economies.

For years Africa has gotten short shrift in the attention of the American public and of American policymakers, and I am very encouraged that there has been renewed interest in expanding opportunities for United States business in Africa.

But Congress shouldn't make up for those years of neglect by passing weak legislation that will have little impact on United States-Africa trade.

As a member of the Senate Subcommittee on Africa for more than 6 years, and its ranking Democrat for more than four, I know that now is the time for foresight and bold action, because Africa today is brimming with both tribulations and potential.

I offer this bill today because unfortunately, other proposals fall short of their goals by providing only minimal benefits for Africa and for Africans.

First and foremost, they fail to address two crises that are hobbling Africa's ability to compete—the overwhelming debt burden, and the deadly HIV/AIDS epidemic, both of which are so corrosive to African aspirations.

My legislation, which is similar in many respects to the HOPE for Africa bill introduced recently by Representative JESSE JACKSON, Jr., in the House of Representatives, takes a more comprehensive approach to our current trade relationship with Africa—the only kind of approach that can generate the kind of dramatic progress Africa needs to become a more viable partner in the global economy.

My HOPE for Africa legislation offers broader trading benefits than the other pending proposals, and just as importantly, it takes steps to address the debt burden and AIDS crisis that handicap African economies.

My bill extends trade benefits to selected African countries on a broader variety of products—and does not rely narrowly on textiles, as other proposals do. Broader benefits give African businesses and workers a better chance to establish sustainable trade-generated economic development.

My bill includes strong protections against the backdoor tactic of illegal transshipment of goods from China and other third countries through Africa to the United States, that would cheat workers and companies here and in Africa of hard-earned opportunities.

Provisions of my bill will help deter the influx to the African continent of lower-wage workers from outside Africa, ensuring that Africans themselves will be the ones to benefit from the provisions of this bill.

Another centerpiece of this bill is that it requires strict compliance with internationally-recognized standards of worker and human rights and environmental protections. The rights of Africa's peoples and the state of its environment may seem removed from life here in the United States. But if we are wise we will all remember that we are all affected when logging and mining deplete African rainforests and increase global warming, and we all reap the benefits of an Africa where freedom and human dignity reign on the continent, creating a stable environment in which business can thrive. American ideals and simple good sense require that we be vigilant in this regard.

The bill takes crucial steps to support the fight against the crushing HIV/AIDS epidemic, which has had a devastating impact in Sub-Saharan Africa. Of the 33.4 million adults and children living with HIV/AIDS worldwide in 1998, a staggering 22.5 million live in the 48 countries of sub-Saharan Africa. Since the onset of the worldwide HIV/AIDS crisis, more than 34 million sub-Saharan Africans have been infected, and more than 11.5 million of those infected have died. Since the onset of the HIV/AIDS crisis, approximately 83 percent of AIDS deaths have occurred in Africa. The vast tragedy of HIV/AIDS in Africa is daunting, overwhelming, but it must be overwhelmed with a massive effort that will have to be integrated with any Africa trade regime that hopes to succeed.

Finally, the bill provides for substantial debt relief for Sub-Saharan African nations. Debt, debt, debt is the finger on the scales that keeps that rich continent from achieving its economic potential and embracing a freer, more prosperous future. In 1997, sub-Saharan African debt totaled more than $215 billion, about $6.5 billion of which is owed to the United States government. The debt of at least 30 of the 48 Sub-Saharan African countries exceeds 50 percent of their gross national products. The international community must find a reasonable way substantially to reduce this debt burden so that the countries of sub-Saharan Africa can invest scarce dollars in the futures of the most precious of their natural resources—their people.

My HOPE for Africa bill can establish a framework to achieve these goals by relieving Sub-Saharan African nations of a significant piece of their current debt, supporting environmental protections and human rights in these developing economies, and giving African businesses—including small and women-owned businesses—a chance to share in the burgeoning global economy.

I was pleased to announce my intention to offer this legislation at a press conference recently in Milwaukee along with several representatives of the state legislature and the local business community.

Mr. President, the current level of trade and investment between the United States and African countries is depressingly small.

It is called the magic 1 percent. Africa represents only 1 percent of our exports, one percent of our imports, and 1 percent of our foreign direct investment.

That is a tragic 1 percent, the fruit of missed opportunities, wasted potential and simple neglect.

The history of U.S. trade on the African continent is a litany of lost opportunity with a smattering of bright spots concentrated among a few countries.

United States trade in Africa is not diversified. In 1998, 78 percent of U.S. exports to the region went to only five countries—South Africa, Nigeria, Anglola, Ghana, and Kenya, and the vast majority of imports that year came only from Nigeria, South Africa, Angola, Gabon, and Cote d'Ivoire.

In 1998, major U.S. exports to the region included machinery and transport equipment, such as aircraft and parts, civil engineering, equipment, data processing machines, as well as wheat.

Major United States imports from Africa include largely basic commodities such as crude oil which is the leading import by far, and some refined oils, minerals and materials, including platinum and diamonds, and some agricultural commodities such as cocoa beans.

U.S. exports were much more diversified than U.S. imports.

The top 5 import items represent 75 percent of all U.S. imports from the region.

That dire lack of diversity is discouraging, but the holes in the United States-Africa trade picture tell also of a wealth of opportunity.

The investment picture is no better.

United States foreign direct investment in Africa, including northern Africa, at the end of 1997 was $10.3 billion, or 1 percent of all United States foreign direct investment.

Over half of the United States direct investment in Africa was in the petroleum sector. South Africa received the largest share of United States foreign direct investment in sub-Saharan Africa, and manufacturing accounted for the largest share of that investment.

Nigeria received the second largest share of United States foreign direct investment in Sub-Saharan Africa, and petroleum accounted for almost all of that investment.

What is missing here is the coherent development that can make the countries of Africa into a growing dynamic economic power with a healthy appetite for American products.

I hope my bill will help spark that development and drive up all of these meager trade statistics.

First, if offers trade benefits on a wider variety of products than is covered under competing proposals.

These provisions are designed to help African economies diversify their export base.

that's good for Africa, and good for us.

Second, as I have noted, my bill addresses the two biggest barriers to economic development in Africa—HIV/AIDS and debt.

In addition, it helps infuse into African economies a powerful engine of economic growth—small business.

The bill gives special attention to small- and women-owned businesses in Africa and it ensures that existing United States trade promotion mechanisms are made available to American small businesses seeking to do business in Africa.

That kind of attention to the economic fundamentals also is good for Africa and good for us.

My bill authorizes the Overseas Private Investment Corporation, OPIC, to initiate one or more equity funds in support of infrastructure projects in sub-Saharan Africa, including basic health services, including HIV/AIDS prevention and treatment, hospitals, potable water, sanitation, schools, electrification of rural areas, and publicly-accessible transportation.

It specifically requires that not less than 70 percent of equity funds be allocated to projects involving small- and women-owned businesses with substantial African ownership, thus ensuring that Africa truly gains from the provision.

It also specifies that a majority of funds be allocated to American small business.

Good for Africa and good for America.

This measure also ensures that the benefits of economic growth and development in Africa will be broad enough to allow African workers and African firms to buy American goods and services.

My bill explicitly requires compliance with internationally recognized standards of worker and human rights and environmental protections in order for countries to receive the additional trade benefits of the legislation.

The requirements are enforceable and allow for legal action to be taken by United States citizens when an African country fails to comply.

The bill also includes strong protections against the illegal transshipments of goods from their countries through Africa, and authorizes the provision of technical assistance to customs services in Africa.

Transshipment is frankly a sneaky practice employed by producers in China and other third party countries, especially in Asia.

Here's how it works: they establish sham production in countries which may export to the United States under more favorable conditions than those producers enjoy in their own countries.

Then they ship goods made in their factories at home and meant for the United States market to the third country, in this case an African country, pack it or assemble it in some minor way, and send it on to the United States marked ''Make in Africa,'' with all the benefits that label would bring.

If that happens in Africa, it will undermine our objectives—it will be bad for Africa, bad for the United States, and simply unjust.

These provisions are intended to ensure that the trade benefits in Africa accrue to African workers rather than non-African producers.

There is more talk of Africa in the Halls of Congress than we have heard in a long time.

I welcome that because we have hope for this kind of attention on the Senate Subcommittee on Africa for the seven years I have served on that committee.

The prospect of expanding trade with Africa has inspired many members to educate themselves about the changes taking place on the continent.

Now they have to accept the opportunity and the challenge those changes present.

Now they have to fix our trading relationship with Africa.

In our zeal to expand our trading relationship with selected countries, we must be mindful to do it in a manner that is sustainable.

I fear that some of the other alternatives that are out there are insufficient to meet and sustain the goals that we all share.

A better trade relationship for Africa has to be for the long term because its richest rewards will come in the long term.

Lasting, equitable, and effective expansion of commercial ties to the economies and peoples of Africa will require bold steps.

This legislation represents the first of those steps. I urge my colleagues to take up the tools we have to help the Nations of Africa build a more prosperous and just place on their continent. It is the right thing to do and the smart thing to do for America. Please join me in supporting the HOPE for Africa bill.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Deficit
Current Allocation:			
General purpose discretionary	534,542,000,000	544,481,000,000	
Violent crime reduction fund	4,500,000,000	5,554,000,000	
Highways		24,574,000,000	
Mass transit		4,117,000,000	
Mandatory	321,502,000,000	304,297,000,000	
Total	860,544,000,000	883,023,000,000	
Adjustments:			
General purpose discretionary	+8,699,000,000	+8,282,000,000	
Violent crime reduction fund			
Highways			
Mass transit			
Mandatory			
Total	+8,699,000,000	+8,282,000,000	
Revised Allocation:			
General purpose discretionary	543,241,000,000	552,763,000,000	
Violent crime reduction fund	4,500,000,000	5,554,000,000	
Highways		24,574,000,000	
Mass transit		4,117,000,000	
Mandatory	321,502,000,000	304,297,000,000	
Total	869,243,000,000	891,305,000,000	

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

Current Allocation: Budget Resolution	1,429,491,000,000	1,415,863,000,000	−7,781,000,000
Adjustments: Emergencies	+8,699,000,000	+8,282,000,000	−8,282,000,000

	Budget authority	Outlays	Deficit
Revised Allocation: Budget Resolution	1,438,190,000,000	1,424,145,000,000	−16,063,000,000

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 1, 1999, the Federal debt stood at $5,652,679,330,611.02 (Five trillion, six hundred fifty-two billion, six hundred seventy-nine million, three hundred thirty thousand, six hundred eleven dollars and two cents).

One year ago, October 1, 1998, the Federal debt stood at $5,540,570,000,000 (Five trillion, five hundred forty billion, five hundred seventy million).

Fifteen years ago, October 1, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million).

Twenty-five years ago, October 1, 1974, the Federal debt stood at $481,059,000,000 (Four hundred eighty-one billion, fifty-nine million) which reflects a debt increase of more than $5 trillion—$5,171,620,330,611.02 (Five trillion, one hundred seventy-one billion, six hundred twenty million, three hundred thirty thousand, six hundred eleven dollars and two cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1606. An act to reenact chapter 12 of title 11, United States Code, 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–5497. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Request for Comments; Docket No. 99–NM–216 (9–28/9–30)'' (RIN2120–AA64) (1999–0370), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5498. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–270 (9–24/9–30)'' (RIN2120–AA64) (1999–0369), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5499. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320 Series Airplanes; Docket No. 99–NM–48 (9–24/9–30)'' (RIN2120–AA64) (1999–0368), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5500. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney JT9D–7R4 Series Turbofan Engines; Docket No. 99–NE–06 (9–24/9–30)'' (RIN2120–AA64) (1999–0366), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5501. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney PW2000 Series Turbofan Engines; Docket No. 99–NE–02 (9–24/9–30)'' (RIN2120–AA64) (1999–0365), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MACK, from the Joint Economic Committee:

Special report entitled ''The 1999 Joint Economic Report'' (Rept. No. 106–169).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1236: A bill to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho (Rept. No. 106–170).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S.J. Res. 3: A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1683. A bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1684. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor and to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

By Mr. BENNETT:

S. 1685. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH:

S.J. Res. 35. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Governmental Affairs, pursuant to the order of section 602 of the District of Columbia Home Rule Act.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. Res. 195. Expressing the sense of the Senate concerning Dr. William Ransom Wood; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1683. A bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

RURAL ALASKA ACCESS RIGHTS ACT OF 1999

• Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to make technical amendments to the Alaska National Interest Lands Conservation Act (ANILCA).

This legislation is a Rural Alaska Bill of Rights.

This legislation is the direct result of no less than six hearings I have held on this issue since becoming chairman of the Committee on Energy and Natural Resources.

During these hearings I was continuously assured by the administration that many of the frustrations Alaskans face because of the interpretation of ANILCA could be dealt with administratively. Unfortunately, many of the problems remain unresolved today.

Some background on this issue is appropriate.

Nineteen years ago Congress enacted ANILCA placing more than 100 million acres of land out of 365 into a series of vast parks, wildlife refuges, and wilderness units.

Much of the concern about the act was the impact these Federal units, and related management restrictions, would have on traditional activities and lifestyles of the Alaskan people.

To allay these concerns, ANILCA included a series of unique provisions designed to ensure that traditional activities and lifestyles would continue, and that Alaskans would not be subjected to a ''Permit Lifestyle,'' as the

senior Senator from Alaska has often said.

It is for these reasons that ANILCA is often called ''compromise legislation'' and indeed it was—part of the compromise was that lands would be placed in CSU's and the other part was that Alaskans would be granted certain rights with regard to access and use in these units.

These rights were not only granted to the individuals that live in Alaska but were designed to allow the State itself to play a major role in the planning and use of these areas.

However, the Federal Government has not lived up to its end of the bargain—many of the Federal managers seem to have lost sight of these important representations to the people of Alaska, specifically on issues such as access across these areas and use in them.

Federal managers no longer recognize the crucial distinction between managing units surrounded by millions of people in the Lower 48 and vast multi-million acre units encompassing just a handful of individuals and communities in Alaska.

The result is the creation of the exact ''permit lifestyle'' which we were promised would never happen.

The delegation and other Members of this body warned this could be the case when the legislation passed.

As one Member of this body noted in the Senate report on this bill:

> This Piece of Legislation, if enacted will prove to be the most important legislation ever affecting Alaska . . . While we in Congress may be reading the provisions one way . . . regulatory tools are all laid out in the bill to give rise to future bureaucratic nightmare for the people of Alaska . . . Frankly, I am expecting the worst . . . the use of massive conservation system unit designations to block exploration, development, and recreation of these lands and on adjacent non-federal lands.

How prophetic!

The Committee on Energy and Natural Resources has held extensive hearings in Alaska on the implementation of ANILCA in Anchorage, Wrangell and Fairbanks.

In these hearings we have heard from nearly 100 witnesses—representing every possible interest group.

Four clear themes have emerged from those hearings:

Federal agencies have failed to honor the promises made to Alaskans when ANILCA was passed into law;

Agencies are not providing prior and existing right holders with reasonable use and access in the exercise of their property right;

Agency personnel manage Alaska wilderness areas and conservation units the same way that similar units are being managed in the Lower 48—contrary to the intent of Congress; and

Agencies, while stating their willingness to address complaints, fail to act in a reasonable and timely fashion when it comes to dealing with specific issues.

Some of the specific issues identified include such absurdities as:

Indivdiuals and corporations are asked to pay hundreds-of-thousands of dollars to do an EIS for access to their own properties when none is required by law.

Millions of acres of public lands are closed to recreationists without ever having identified a resource threat.

When a tree falls on somebody's cabin or a bear destroys it Federal regulators will not let a person make reasonable repairs.

At field hearings the administration asked for time to address these problems—we gave them time—and little has happened.

We have not ''jumped'' to a legislative solution, rather we have acknowledged that oversight has failed to produce meaningful administrative change.

Does it make sense that:

When land managers are assigned to Alaska they are not required to have any formal ANILCA training?

When a tree falls on somebody's cabin or a bear destroys it that Federal regulators will not let a person make reasonable repairs.

People are told they will have to pay ridiculous sums of money to access their inholdings?

The answer to all these questions is clearly no. These are some of the problems that have to be resolved and are included in this legislation.●

By Mr. HARKIN:

S. 1684. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor and to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR

Mr. HARKIN. 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. 1684

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

SECTION 1. GOODS MADE WITH FORCED OR INDENTURED LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) in the second sentence, by striking ''; but in no case'' and all that follows to the end period; and

(2) by adding at the end the following new sentence: ''For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a)(1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) CHILD LABOR.—The amendment made by subsection (a)(2) takes effect on the date of enactment of this Act.

By Mr. BENNETT:

S. 1685. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Energy and Natural Resources.

GOLDEN SPIKE/CROSSRODS OF THE WEST NATIONAL HERITAGE AREA ACT OF 1999

Mr. BENNETT. Mr. President, I am pleased to introduce legislation today which authorizes the creation of the Golden Spike/Crossroads of the West National Heritage Area in Ogden, Utah.

Utah has a rich railroad heritage that stems from the earliest days when the Central Pacific and Union Pacific railroads met at Promontory Point, Utah in 1869 and completed the transcontinental railroad. With the coming of the railroad, Utah's mining industry boomed and our economy grew and the once isolated Desert Kingdom became forever connected to the rest of the United States. Diverse peoples and cultures would come to or through Utah. Mormon immigrants from Europe, Chinese laborers working for the Central Pacific Railroad and Greek coal miners on their way to the coal fields in Central Utah. All of them would pass through the rail station in Ogden on their way to settle the Intermountain West. It truly is a heritage area for us all.

Fire destroyed the original rail station first built in 1889. In 1924 the current Union Station Depot was then built and remained the hub of transcontinental rail traffic for another 40 years. The current building, which is a registered historic site, has been refurbished and is an outstanding example of reuse and redevelopment of industrial areas. The facilities at Union Station also house some of the finest museum collections in the West including the Browning Firearms Museum and the Utah State Railroad Museum.

It is the intent of this legislation to preserve the historical nature of the area, increase public awareness and appreciation for the pivotal role Ogden played in the settlement of the Intermountain West. By general standards, this will be a very small Heritage Area, encompassing just a few city blocks around the Union Station building. While it may be small, it also has a very colorful history. There were no businesses which were more famous, or infamous than those that dotted 24th and 25th Streets.

The legislation would allow Ogden City to operate as the management entity for the area, working in closely with the National Park Service. The City will be responsible for developing a management plan which will present comprehensive recommendations for the conservation and management of the area while the National Park Service will work closely with the partners to help with interpretation and the protection of this valuable cultural and historical resource. Working with railroad enthusiasts from all over the country we can develop a long-term management plan which will provide better interpretation of the historical and cultural opportunities.

I hope my colleagues will support me in sponsoring this legislation. Congressman HANSEN has introduced similar legislation and I look forward to working with him and my friends on the Energy Committee to hold hearings and eventually move this bill through the Senate.

By Mr. VOINOVICH:

S.J. Res. 35. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Governmental Affairs, pursuant to the order of section 602 of the District of Columbia Home Rule Act.

DISAPPROVING THE LEGALIZATION OF MARIJUANA FOR MEDICAL TREATMENT INITIATIVE OF 1998

Mr. VOINOVICH. Mr. President, I rise today to introduce a joint resolution that will prevent the implementation of an initiative in the District of Columbia that would allow the use of marijuana for medical treatment.

As many of my colleagues know, the voters of the District of Columbia passed a ballot initiative—Initiative 59—last November that would legalize marijuana use for ''medicinal'' purposes.

Supported by the Mayor and many elected officials in the District, Initiative 59 would permit marijuana use as a treatment for serious illness including ''HIV/AIDS, glaucoma, muscle spasms, and cancer.''

Because physicians are not allowed to prescribe marijuana under federal law, Initiative 59 would allow individuals to use marijuana based on a doctor's ''written or oral recommendation.'' The initiative would also allow the designation of up to four ''caregivers'' who would be able to cultivate, distribute and possess marijuana for the purpose of supplying an individual with marijuana for medicinal purposes.

Proponents of the D.C. initiative, and similar initiatives elsewhere in the country, have argued that marijuana is the only way that individuals can cope with the effects of chemotherapy and AIDS treatments.

However, according to the U.S. Drug Enforcement Administration (DEA), individuals who are using marijuana for AIDS, cancer or glaucoma may actually be doing damage to themselves:

AIDS: Scientific studies indicate marijuana damages the immune system, causing further peril to already weakened immune systems. HIV-positive marijuana smokers progress to full-blown AIDS twice as fast as non-smokers and have an increased incidence of bacterial pneumonia.

Cancer: Marijuana contains many cancer-causing substances, many of which are present in higher concentrations in marijuana than in tobacco.

Glaucoma: Marijuana does not prevent blindness due to glaucoma.

In addition, Dr. Donald R. Vereen, Jr., Deputy Director of the Office of National Drug Control Policy (commonly referred to as the office of the ''Drug Czar''), in an article titled, ''Is Medical Marijuana an Oxymoron?'' and printed in Physicians Weekly on February 1, 1999, stated:

No medical research has shown smoked marijuana to be safe, effective, or therapeutically superior to other substances. Synthetic tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana, has been available for fifteen years in pill form (Marinol) to treat HIV Wasting Syndrome and chemotherapy-induced nausea. A legal drug, Marinol is the real ''medical marijuana.'' It is available in measured doses and guaranteed purity without the adverse side-effects of smoking tars, hydrocarbons, and other combustibles. Furthermore, newer drugs like ondansetron and grenisetron work better than Marinol, as clinical practice has demonstrated.

Mr. President, I ask unanimous consent that the entire article by Dr. Vereen be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

In an attempt to prevent this initiative from going into effect, last October, Congress passed and the President signed into law the fiscal year 1999 D.C. Appropriations bill which included a provision that blocked the District government from releasing the vote results of Initiative 59.

The provision was challenged in court, and last month, the prohibition was overruled by a federal judge and the results were made public.

Meanwhile, as the battle over releasing the ballot figures was being fought, Congress re-emphasized its opposition to Initiative 59 in the fiscal year 2000 D.C. Appropriations bill by prohibiting the use of funds to ''enact or carry out any law, rule or regulation to legalize or otherwise reduce penalties associated with the possession use or distribution of any Schedule I substance under the Controlled Substances Act.''

Mr. President, under federal law, marijuana is a controlled substance, and as such, possession, use, sale or distribution is illegal and is subject to federal criminal sentences and/or fines. Possession of marijuana is a crime in the District as well, with the possibility of 6 months in jail and a $1,000 fine.

Congress merely sought to uphold current law by saying no to the implementation of Initiative 59, and no to the use of marijuana.

Nevertheless, the President vetoed the D.C. Appropriations bill last Tuesday, issuing a statement that stressed that Congress was ''prevent(ing) local residents from making their own decisions about local matters.''

However, there appears to be some confusion over the Administration's direction on such legalization initiatives.

Last Wednesday, before the House D.C. Appropriations Subcommittee, Dr. Donald R. Vereen, Jr. of the Drug Czar's office stated that:

The Administration has actively and consistently opposed marijuana legalization initiatives in all jurisdictions throughout the nation. Our steadfast opposition is based on the fact that: such electoral procedures undermine the medical-scientific process for establishing what is a safe and effective medicine; contradict federal regulations and laws; and in the Office of National Drug Control Policy's view, may be vehicles for the legalization of marijuana for recreational use.''

I refuse to believe that the President wants the American people to think that he is more concerned about not violating Home Rule than he is about upholding federal law, particularly when experts within the administration are opposed to legalization.

In a June 29th article in the Washington Post, Director of the Office of National Drug Control Policy, Barry McCaffrey stated that:

The term ''drug legalization'' has rightfully acquired pejorative connotations. Many supporters of this position have adopted the label ''harm reduction'' to soften the impact of an unpopular proposal that, if passed, would encourage greater availability and use of drugs—especially among children.

This past June, in testimony before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Donnie Marshall, Deputy Administrator of the Drug Enforcement Agency (DEA) stated ''I suspect that medical marijuana is merely the first tactical maneuver in an overall strategy that will lead to the eventual legalization of all drugs.'' He went on to say ''whether all drugs are eventually legalized or not, the practical outcome of legalizing even one, like marijuana, is to increase the amount of usage of all drugs.''

Indeed, according to the DEA, 12–17 year olds who smoke marijuana are 85 times more likely to use cocaine than those who do not. Sixty percent of adolescents who use marijuana before age 15 will later use cocaine. If these usage figures are occurring now, I shudder to think what they will be if we expand marijuana's usage.

Assistant Chief Brian Jordan of the D.C. Metropolitan Police Department testified last Wednesday before the House D.C. Appropriations Subcommittee that ''the Metropolitan Police Department opposes the legalization of marijuana. Marijuana remains the illegal drug of choice in the Nation's Capital, and crime and violence related to the illegal marijuana trafficking and abuse are widespread in many of our communities.''

According to D.C. government estimates, Washington currently has 65,000 drug addicts. There are 1,000 individuals on a drug treatment waiting list who are likely continuing to abuse drugs right now.

I believe the loose wording of the initiative—which again, would legalize an individual's right to possess, use, distribute or cultivate marijuana if ''recommended'' by a physician—would present an enforcement nightmare to police in the District of Columbia, and would serve as a de facto legalization of marijuana in D.C., increasing its prevalence and the number of addicts citywide.

In the simplest of terms, illegal drug use is wrong. The District government and the United States Government

should never condone it, regardless of the professed purpose.

That is why I am introducing this joint resolution. It's quite simple. It says that the Congress disapproves of the legalization of marijuana for medicinal purposes and prevents Initiative 59 from going into effect. Period.

It is identical to legislation that the House will likely take-up next week.

I agree with DEA Deputy Administrator Donnie Marshall that once society accepts that it's alright for individuals to smoke marijuana for, quote ''medical purposes'' unquote, we will start on the path towards greater social acceptance and usage of marijuana, which experts agree will lead to the use of harder drugs.

Mr. President, marijuana is an illegal drug according to federal, state and local laws. It would be unconscionable for the United States Congress not to exercise its Constitutional duty and prevent the District from going forward with this initiative no matter how well-intentioned the motive.

I urge my colleagues to join me in cosponsoring this resolution, and I urge its speedy adoption.

Mr. President, I ask unanimous consent to print the joint resolution in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Legalization of Marijuana for Medical Treatment Initiative of 1998, approved by the electors of the District of Columbia on November 3, 1998, and transmitted to Congress by the Council pursuant to section 602(c) of the District of Columbia Home Rule Act.

EXHIBIT 1

[Physicians Weekly, Feb. 1, 1999]

IS MEDICAL MARIJUANA AN OXYMORON?

(By Dr. Donald Vereen Deputy Director, White House Office of National Drug Control Policy)

No medical research has shown smoked marijuana to be safe, effective, or therapeutically superior to other substances. Synthetic tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana, has been available for fifteen years in pill form (Marinol) to treat HIV Wasting Syndrome and chemotherapy-induced nausea. A legal drug, Marinol is the real ''medical marijuana.'' It is available in measured doses and guaranteed purity without the adverse side-effects of smoking tars, hydrocarbons, and other combustibles. Furthermore, newer drugs like ondansetron and grenisetron work better than Marinol, as clinical practice has demonstrated.

Objections about pills being difficult to swallow by nauseated patients are true for any antiemetic. If sufficient demand existed for an alternate delivery system, Marinol inhalants, suppositories, injections, or patches could be developed. Why isn't anyone clambering to make anti-nausea medications smokable? Why choose a substance and delivery system (smoking) that is more carcinogenic than tobacco when safer forms of the same drug are available? Patients deserve answers to these germane questions instead of being blind-sided by the ''medical marijuana'' drive.

The American Medical Association (AMA), American Cancer Society, National Multiple Sclerosis Association, American Academy of Ophthalmology, and National Eye Institute, among others, came out against ''medical marijuana'' initiatives as did former Surgeon General C. Everett Koop. Anecdotal support for smoked marijuana reminds me of the laetrile incident where a drug derived from apricot pits was believed to cure cancer. Scientific testing disproved such testaments. How do we know that testimonials touting marijuana as a wonder drug—on the part of patients under the influence of an intoxicant, no less!—may not simply demonstrate the placebo effect?

We shouldn't allow drugs to become publicly available without approval and regulation by the Food and Drug Administration (FDA) and National Institutes of Health (NIH). Such consumer protections has made our country one of the safest for medications. A political attempt to exploit human suffering to legalize an illicit drug is shameful and irresponsible. Voters should not be expected to decide which medicines are safe and effective. What other cancer treatments have been brought to the ballot box? Marijuana initiatives set a dangerous precedent. Decisions of this sort should be based on scientific proof, not popularity.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 63

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 74

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 469

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1139

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1375

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1375, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in acts of genocide and torture abroad.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the names of the Senator from California

(Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

SENATE RESOLUTION 195—EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, president of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the twentieth century; and

Whereas it shall also be in Dr. Wood's words, ''a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.'': Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

AMENDMENTS SUBMITTED

AIR TRANSPORTATION IMPROVEMENT ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 1891

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 82) to authorize appropriations for Federal Aviation Administration, and for other purposes; as follows:

[The amendment was not available for printing. It will appear in a future issue of the RECORD.]

GORTON (AND OTHERS) AMENDMENT NO. 1892

Mr. GORTON (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT) proposed an amendment to the bill, S. 82, supra; as follows:

Strike sections 506, 507, and 508 and insert the following:

SEC. 506. 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) 45-DAY APPLICATION PROCESS.—

''(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section, section 41717, or 41719 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 45 days after a slot exemption request under this section, section 41717, or section 41719 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; or

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

''(3) 45-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns the request for additional information during the first 10 days after the request is filed, then the 45-day period 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 subparagraph (2)(C) within the 45-day period beginning on the date it is received, excepting any days during which the 45-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 46th day after it was filed with the Secretary.''.

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

''(j) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section, section 41717, or section 41719 may be bought or sold by the carrier to which it is granted.''.

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

''(k) AFFILIATED CARRIERS.—For purposes of this section, section 41717, 41718, and 41719, the Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for the application of any provision of those sections regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.''.

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

(A) by striking ''(1) IN GENERAL.—'';

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

(C) by striking paragraph (2).

(5) LIMITED INCUMBENT; REGIONAL JET.—Section 40102 is amended by—

(A) inserting after paragraph (28) the following:

''(28A) The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.''; and

(B) inserting after paragraph (37) the following:

''(37A) The term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.''.

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

(1) by redesignating sections 41715 and 41716 as sections 41720 and 41721; 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 March 31, 2003, at Chicago O'Hare International Airport; and

''(2) after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.

''(b) FAA SAFETY AUTHORITY NOT COMPROMISED.—Nothing in subsection (a) affects the Federal Aviation Administration's authority for safety and the movement of air traffic.

(c) PRESERVATION OF EXISTING SERVICE.—Chapter 417, as amended by subsection (b), is amended by inserting after section 41715 the following:

''§ 41716. Preservation of certain existing slot-related air service

''An air carrier that provides air transportation of passenger from a high density airport (other than Ronald Reagan Washington National Airport) to a small hub airport or non-hub airport, or to an airport that is smaller than a small hub or non-hub airport, on or before the date of enactment of the Air Transportation Improvement Act pursuant to an exemption 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), or where slots were issued to an airline conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 2 years (with respect to service from LaGuardia Airport or John F. Kennedy International Airport), or 4 years (with respect to service from Chicago O'Hare International Airport), after the date on which those requirements cease to apply to that high density 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 41720 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.''.

(d) SPECIAL RULES AFFECTING LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter 417, as amended by subsection (c), is amended by inserting after section 41716 the following:

''§ 41717. Interim slot rules at New York airports

''(a) IN GENERAL.—The Secretary of Transportation may, by order, grant 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) with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

''(1) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

''(2) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999.''.

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

(1) NONSTOP REGIONAL JET, NEW ENTRANTS, AND LIMITED INCUMBENTS.—chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

''§ 41718. Interim application of slot rules at Chicago O'Hare International Airport

''(a) SLOT OPERATING WINDOW NARROWED.—Effective April 1, 2002, 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 8:15 post meridiem at Chicago O'Hare International Airport.

''(b) NEW OR INCREASED SERVICE TO SMALLER AIRPORTS; NEW ENTRANTS.—

''(1) IN GENERAL.—Effective January 1, 2000, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to—

''(A) any air carrier for the provision of nonstop regional jet or turboprop air service between Chicago O'Hare International Airport and an airport with fewer than 2,000,000 annual enplanements (based on the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997) that is an airport not served by nonstop service, or not served by more than 1 carrier providing nonstop service, from Chicago O'Hare International Airport; or

''(B) a new entrant or limited incumbent air carrier for the provision of service to Chicago O'Hare International Airport.

''(2) NEW OR INCREASED SERVICE REQUIRED.—Paragraph (1)(A) applies only for the provision of—

''(A) air service to an airport to which the air carrier was not providing air service from Chicago O'Hare International Airport during the week of June 15, 1999; or

''(B) additional air service between Chicago O'Hare International Airport and any airport to which it provided air service during that week.

''(3) NEW ENTRANTS AND LIMITED INCUMBENTS.—Paragraph (1)(B) applies only for the provision of—

''(A) air service to an airport to which the air carrier was not providing air service from Chicago O'Hare International Airport during the week of June 15, 1999; or

''(B) additional air service between Chicago O'Hare International Airport and any airport to which it provided air service during that week.

''(c) STAGE 3 AIRCRAFT REQUIRED.—Subsection (a) does not apply to service by any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(d) DOT TO MONITOR FLIGHTS.—The Secretary of Transportation shall monitor flights under the authority provided by subsection (b) to ensure that any such flight meets the requirements of subsection (a). If the Secretary finds that an air carrier is operating a flight under the authority of subsection (b) that does meet those requirements the Secretary shall immediately terminate the air carrier's authority to operate that flight.

''(e) INTERNATIONAL SERVICE AT O'HARE AIRPORT.—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 O'Hare International Airport after March 31, 2000, with respect to any aircraft providing foreign air transportation. For a foreign air carrier domiciled in a country to which a United States air carrier provides nonstop service from the United States, the preceding sentence applies to that foreign air carrier only if the country in which that carrier is domiciled provides reciprocal airport access for United States air carriers.''.

(2) PROHIBITION OF SLOT WITHDRAWS.—

(A) IN GENERAL.—Section 41714(b) is amended—

(i) by inserting ''at Chicago O'Hare International Airport'' after ''a slot'' in paragraph (2); and

(ii) by striking ''if the withdrawal'' and all that follows before the period in paragraph (2).

(3) CONVERSIONS.—Section 41714(b) is amended by striking paragraph (4) and inserting the following:

''(4) CONVERSIONS OF SLOTS.—Effective April 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.''.

(4) IMMEDIATE RETURN OF WITHDRAWN SLOTS.—The Secretary of Transportation shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, or the preceding provision of law, before the date of enactment of this Act, to that carrier no later than January 1, 2000.

(5) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the date of enactment of the Air Transportation Improvement Act on the impact of the changes resulting from the implementation of the Air Transportation Improvement Act on safety, the environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

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

(1) IN GENERAL.—Chapter 417, as amended by subsection (e), is amended by inserting after section 41718 the following:

''§ 41719. Special Rules for Ronald Reagan Washington National Airport

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition by new entrant air carriers or in multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of this title; and

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

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for service to airports that were designated as medium-hub or smaller airports in the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997 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 and limited incumbent air carriers;

''(2) to communities without existing service to Ronald Reagan Washington National Airport;

''(3) to small communities; or

''(4) that will provide competitive service on a monopoly nonstop route to Ronald Reagan Washington National Airport.

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.

''(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

''(A) will result in 12 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

''(B) will result in 12 additional daily air carrier slot exemptions at such airport for service within the perimeter; and

''(C) will not result in additional daily slot exemptions for service to any within-the-perimeter airport that was designated as a large-hub airport in the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

''(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of the Air Transportation Improvement Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

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

(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 41719.''.

(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 of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority

shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

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

(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 of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(4) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization of Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

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

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

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

''(B) LaGuardia Airport;

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

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

(h) STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(i) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (4).

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

(A) redesignating the items relating to sections 41715 and 41716 as relating to sections 41720 and 41721, respectively; and

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

''41715. Phase-out of slot rules at certain airports
''41716. Preservation of certain existing slot-related air service
''41717. Interim slot rules at New York airports
''41718. Interim application of slot rules at Chicago O'Hare International Airport
''41719. Special Rules for Ronald Reagan Washington National Airport.''.

ROCKFELLER AMENDMENT NO. 1893

Mr. GORTON (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Air Traffic Management Improvement Act of 1999''.

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. DEFINITIONS.

In this Act:

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

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

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The nation's air transportation system is projected to grow by 3.4 percent per year over the next 12 years.

(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 660 million.

(3) The aviation industry is one of our Nation's critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.

(4) The ability of all sectors of American society, urban and rural, to access and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation's communities effectively and efficiently.

(5) The Federal government's role is to promote a safe and efficient national air transportation system through the management of the air traffic control system and through effective and sufficient investment in aviation infrastructure, including the Nation's airports.

(6) Numerous studies and reports, including the National Civil Aviation Review Commission, have concluded that the projected expansion of air service may be constrained by gridlock in our Nation's airways, unless substantial management reforms are initiated for the Federal Aviation Administration.

(7) The Federal Aviation Administration is responsible for safely and efficiently managing the National Airspace System 365 days a year, 24 hours a day.

(8) The Federal Aviation Administration's ability to efficiently manage the air traffic system in the United States is restricted by antiquated air traffic control equipment.

(9) The Congress has previously recognized that the Administrator needs relief from the Federal government's cumbersome personnel and procurement laws and regulations to take advantage of emerging technologies and to hire and retain effective managers.

(10) The ability of the Administrator to achieve greater efficiencies in the management of the air traffic control system requires additional management reforms, such as the ability to offer incentive pay for excellence in the employee workforce.

(11) The ability of the Administrator to effectively manage finances is dependent in part on the Federal Aviation Administration's ability to enter into long-term debt and lease financing of facilities and equipment, which in turn are dependent on sustained sound audits and implementation of a cost management program.

(12) The Administrator should use the full authority of the Federal Aviation Administration to make organizational changes to improve the efficiency of the air traffic control system, without compromising the Federal Aviation Administration's primary mission of protecting the safety of the travelling public.

SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) '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. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC SERVICES.

(a) 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, after consultation with the 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) COMPENSATION.—

''(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer 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.

''(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 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 in subsection (b) of this section. A bonus may not cause the Chief Operating Officer's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.

''(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer 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.

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

''(4) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Federal Aviation Administration responsibilities, including, but not limited to the following:

''(A) STRATEGIC PLANS.—To develop a strategic plan for the Federal Aviation 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 Federal Aviation 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 Federal Aviation 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 Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

'(i) 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 paragraph (4)(A) of this subsection.

''(5) BUDGET SUBMISSION.—The Secretary shall submit the budget request prepared under paragraph (4)(D) of this subsection for any fiscal year to the President who shall submit 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.''.

SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

''(C) 13 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.''.

(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking ''by the President''.

(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p)(6) is amended by adding at the end thereof the following:

''(E) AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Chairman of the Management Advisory Council shall constitute an Air Traffic Services Subcommittee to provide comments, recommend modifications, and provide dissenting views to the Administrator on the performance of air traffic services, including—

''(i) the performance of the Chief Operating Officer and other senior managers within the air traffic organization of the Federal Aviation Administration;

''(ii) long-range and strategic plans for air traffic services;

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

''(iv) review and make recommendations to the Administrator's plans for any major reorganization of the Federal Aviation Administration that would effect the management of the air traffic control system;

''(v) review, and make recommendations the Administrator's cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation.

''(vi) review the performance and co-operation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and

''(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.''.

SEC. 8. COMPENSATION OF THE ADMINISTRATOR.

Section 106(b) is amended—

(1) by inserting ''(1)'' before ''The''; and

(2) by adding at the end the following:

''(2) In addition to the annual rate of pay authorized for the Administrator, the Administrator may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Secretary's evaluation of the Administrator's performance in relation to the performance goals set forth in a performance agreement. A bonus may not cause the Administrator's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.''.

SEC. 9. NATIONAL AIRSPACE REDESIGN.

(a) FINDINGS RELATING TO THE NATIONAL AIRSPACE.—The Congress makes the following additional 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 traveling 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 REPORT.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House 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. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section $12,000,000 for fiscal years 2000, 2001, and 2002.

SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGEMENT.

(a) REPORT ON THE COST ALLOCATION SYSTEM.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House on the cost allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the cost allocation system throughout the agency and shall also include the timetable and plan for the implementation of a cost management system.

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this subsection. 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 FEDERAL AVIATION ADMINISTRATION 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 Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, 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 FEDERAL AVIATION ADMINISTRATION FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation 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.

SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

''§ 44516. Air traffic modernization joint venture pilot program

''(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation's air transportation system by facilitating the use of joint

ventures and innovative financing, on a pilot program basis, between the Federal Aviation Administration and industry, to accelerate investment in critical air traffic control facilities and equipment.

''(b) DEFINITIONS.—As used in this section:

''(1) ASSOCIATION.—The term 'Association' means the Air Traffic Modernization Association established by this section.

''(2) PANEL.—The term 'panel' means the executive panel of the Air Traffic Modernization Association.

''(3) OBLIGOR.—The term 'obligor' means a public airport, an air carrier or foreign air carrier that operates a public airport, or a consortium consisting of 2 or more of such entities.

''(4) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the nation's air traffic control system that promotes safety, efficiency or mobility, and is included in the Airway Capital Investment Plan required by section 44502, including—

''(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 off-shore flight tracking.

''(5) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the date upon which a project becomes available for service.

''(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—

''(1) IN GENERAL.—There may be established in the District of Columbia a private, not for profit corporation, which shall be known as the Air Traffic Modernization Association, for the purpose of providing assistance to obligors through arranging lease and debt financing of eligible projects.

''(2) NON-FEDERAL ENTITY.—The Association shall not be an agency, instrumentality or establishment of the United States Government and shall not be a 'wholly-owned Government controlled corporation' as defined in section 9101 of title 31, United States Code. No action under section 1491 of title 28, United States Code shall be allowable against the United States based on the actions of the Association.

''(3) EXECUTIVE PANEL.—

''(A) The Association shall be under the direction of an executive panel made up of 3 members, as follows:

''(i) 1 member shall be an employee of the Federal Aviation Administration to be appointed by the Administrator;

''(ii) 1 member shall be a representative of commercial air carriers, to be appointed by the Management Advisory Council; and

''(iii) 1 member shall be a representative of operators of primary airports, to be appointed by the Management Advisory Council.

''(B) The panel shall elect from among its members a chairman who shall serve for a term of 1 year and shall adopt such bylaws, policies, and administrative provisions as are necessary to the functioning of the Association.

''(4) POWERS, DUTIES AND LIMITATIONS.—Consistent with sound business techniques and provisions of this chapter, the Association is authorized—

''(A) to borrow funds and enter into lease arrangements as lessee with other parties relating to the financing of eligible projects, provided that any public debt issuance shall be rated investment grade by a nationally recognized statistical rating organization.

''(B) to lend funds and enter into lease arrangements as lessor with obligors, but—

''(i) the term of financing offered by the Association shall not exceed the useful life of the eligible project being financed, as estimated by the Administrator; and

''(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—

''(I) may not exceed $500,000,000 per fiscal year for fiscal years 2000, 2001, and 2002;

''(II) shall be used for not more than 10 projects; and

''(III) may not provide funding in excess of $50,000,000 for any single project; and

''(C) to exercise all other powers that are necessary and proper to carry out the purposes of this section.

''(5) PROJECT SELECTION CRITERIA.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:

''(A) The eligible projects' contribution to the national air transportation system, as outlined in the Federal Aviation Administration's modernization plan for alleviating congestion, enhancing mobility, and improving safety.

''(B) The credit-worthiness of the revenue stream pledged by the obligor.

''(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

''(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

''(d) AUTHORITY TO ENTER INTO JOINT VENTURE.—

''(1) IN GENERAL.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capital Investment Plan.

''(2) COST SHARING.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency's share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to amortize the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

''(3) PROJECT SPECIFICATIONS.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Advisory Council.

''(e) INCENTIVES FOR PARTICIPATION.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

''(f) UNITED STATES NOT OBLIGATED—The contribution of Federal funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee or obligation of the United States.

''(g) REPORT TO CONGRESS.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association's activities including—

''(1) an assessment of the Association's effectiveness in accelerating the modernization of the air traffic control system;

''(2) a full description of the projects financed by the Association and an evaluation of the benefits to the aviation community and general public of such investment; and

''(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation's air transportation system.

''(h) AUTHORIZATION.—Not more than the following amounts may be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the agency's share of the organization and administrative costs for the Air Traffic Modernization Association.

''(1) $500,000 for fiscal year 2000;

''(2) $500,000 for fiscal year 2001; and

''(3) $500,000 for fiscal year 2002.

''(i) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section is intended to limit or diminish existing authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.''.

(b) CONFORMING AMENDMENTS.—

''(1) Section 40117(b)(1) is amended by striking ''controls.'' and inserting ''controls, or to finance an eligible project through the Air Traffic Modernization Association in accordance with section 44516 of this title.''.

''(2) The analysis for chapter 445 is amended by adding at the end the following:

''44516. Air traffic modernization pilot program.''.

BRYAN AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place, add the following new section:

SEC. .—

Any regulations based upon the ''Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park'' adopted by the National Park Service on July 14, 1999 shall not be implemented until 90 days after the National Park Service has provided to Congress a report describing 1) the reasonable scientific basis for such evaluation methodology and 2) the peer review process used to validate such evaluation methodology.

INOUYE AMENDMENT NO. 1895

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the end of title IV, insert the following new section:

SEC. 441. CARRY-ON BAGGAGE.

(a) DEFINITIONS.—In this section:

(1) AIRPLANE.—The term ''airplane'' means an airplane, as that term is used in section 121.589 of title 14, Code of Federal Regulations.

(2) CARRY-ON BAGGAGE.—The term ''carry-on baggage'' does not include child safety seats or assistive devices used by disabled passengers.

(3) CERTIFICATE HOLDER.—The term ''certificate holder'' means a certificate holder, as that term is used in section 121.589 of title 14, Code of Federal Regulations.

(4) PASSENGER.—The term ''passenger'' includes any child under the age of 2 who boards an airplane of a certificate holder, without regard to whether a ticket for air transportation was purchased for the child.

(b) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall promulgate revised regulations to modify the regulations contained in section 121.589 of title 14, Code of Federal Regulations, to establish a uniform standard for certificate holders governing—

(1) the number of pieces of carry-on baggage allowed per passenger;

(2) the dimensions of each allowable carry-on baggage; and

(3) a definition of carry-on baggage.

REID (AND FRIST) AMENDMENT NO. 1896

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the Bill, S. 82, supra; as follows:

At the appropriate place, add the following new title:

TITLE ____—PENALTIES FOR UNRULY PASSENGERS

SEC. ___01. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46317. Interference with cabin or flight crew

''(a) GENERAL RULE.—

''(1) IN GENERAL.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

''(2) ADDITIONAL PENALTIES.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the 'Secretary') may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

''(b) REGULATIONS.—The Secretary shall issue regulations to carry out paragraph (2) of subsection (a), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.

''(c) COMPROMISE AND SETOFF.—

''(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

''(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 is amended by adding at the end the following:

''46317. Interference with cabin or flight crew.''.

SEC. ___02. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102.

(3) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ABRAHAM AMENDMENT NO. 1897

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrumental landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT. States Code, section 4711(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 per cent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airports compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports.''

BAUCUS AMENDMENT NO. 1898

Mr. BAUCUS proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING OF REASONS FOR DELAYS OR CANCELLATIONS IN AIR FLIGHTS.

In addition to the information required to be included in each report filed with the Office of Airline Information of the Department of Transportation under section 234.4 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act),

each air carrier subject to the reporting requirement shall specify the reasons for delays or cancellations in all air flights to and from all airports for which the carrier provides service during the period covered by the airport.

LEVIN (AND ABRAHAM) AMENDMENT NO. 1899

Mr. ROCKEFELLER (for Mr. LEVIN (for himself and Mr. ABRAHAM)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . DESIGNATION OF GENERAL AVIATION AIRPORT.

Section 47118 of title 49, United States Code, is amended—

(1) in the second sentence of subsection (a), by striking ''12'' and inserting ''15''; and

(2) by adding at the end the following new subsection:

''(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least one of the airports designated under subsection (a) may be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).''.

ROBB (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. ROBB (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CURFEW.

Notwithstanding any other provision of law, any exemptions granted to air carriers under this Act may not result in additional operations at Ronald Reagan Washington National Airport between the hours of 10:00 p.m. and 7:00 a.m.

ROBB (AND OTHERS) AMENDMENTS NOS. 1901–1902

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI) submitted two amendments intended to be proposed by them to the bill, S. 82, supra; as follows:

AMENDMENT NO. 1901

At the appropriate place, insert the following new title:

TITLE ____—_____

SEC. ___01. GOOD NEIGHBORS POLICY.

(a) PUBLIC DISCLOSURE OF NOISE MITIGATION EFFORTS BY AIR CARRIERS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall collect and publish information provided by air carriers regarding their operating practices that encourage their pilots to follow the Federal Aviation Administration's operating guidelines on noise abatement.

(b) SAFETY FIRST.—The Secretary shall take such action as is necessary to ensure that noise abatement efforts do not threaten aviation safety.

(c) PROTECTION OF PROPRIETARY INFORMATION.—In publishing information required by this section, the Secretary shall take such action as is necessary to prevent the disclosure of any air carrier's proprietary information.

(d) NO MANDATE.—Nothing in this section shall be construed to mandate, or to permit the Secretary to mandate, the use of noise abatement settings by pilots.

SEC. ___02. GAO REVIEW OF AIRCRAFT ENGINE NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on regulations and activities of the Federal Aviation Administration in the area of aircraft engine noise assessment. The study shall include a review of—

(1) the consistency of noise assessment techniques across different aircraft models and aircraft engines, and with varying weight and thrust settings; and

(2) a comparison of testing procedures used for unmodified engines and engines with hush kits or other quieting devices.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to ensure consistent measurement of aircraft engine noise.

SEC. ___03. GAO REVIEW OF FAA COMMUNITY NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the regulations and activities of the Federal Aviation Administration in the area of noise assessment in communities near airports. The study shall include a review of whether the noise assessment practices of the Federal Aviation Administration fairly and accurately reflect the burden of noise on communities.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures to improve the assessment of airport noise in communities near airports.

AMENDMENT NO. 1902

At the appropriate place, insert the following new section:

SEC. ___. LIMITATIONS ON EXEMPTIONS.

Notwithstanding any other provision of law, no additional operations may be granted for Ronald Reagan Washington National Airport above the level that existed on January 1, 1999.

BAUCUS AMENDMENT NO. 1903

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. AUDIT AND INVESTIGATION OF SUFFICIENCY OF INFORMATION REPORTED TO THE DEPARTMENT OF TRANSPORTATION ON DELAYS AND CANCELLATIONS OF AIR FLIGHTS.

(a) AUDIT AND INVESTIGATION.—The Inspector General of the Department of Transportation shall conduct an audit and investigation of the sufficiency of information transmitted by air carriers to the Department with respect to delays or cancellations in air flights caused by mechanical failure of aircraft, with special attention to the sufficiency of information on the reasons for such delays or cancellations.

(b) REPORT.—Not later than ___days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit a report to Congress setting forth the findings of the audit and investigation conducted under subsection (a).

SNOWE AMENDMENT NO. 1904

(Ordered to lie on the table.)

Ms. SNOWE submittted an amendment intended to be proposed by her to the bill, S. 82, supra; as follows:

At the end of title V of the Manager's substitute amendment, add the following:

SEC. ___. REQUIREMENT TO ENHANCE COMPETITIVENESS OF SLOT EXEMPTIONS FOR REGIONAL JET AIR SERVICE AND NEW ENTRANT AIR CARRIERS AT CERTAIN HIGH DENSITY TRAFFIC AIRPORTS.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by sections 507 and 508, is amended by adding at the end thereof the following:

''§ 41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports

''In granting slot exemptions for nonstop regional jet air service and new entrant air carriers under this subchapter to John F. Kennedy International Airport, and La Guardia Airport, the Secretary of Transportation shall require the Federal Aviation Administration to provide commercially reasonable times to takeoffs and landings of air flights conducted under those exemptions.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by this title, is amended by adding at the end thereof the following:

''41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports.''.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 6, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss The Science of Biotechnology and its Potential Applications to Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 7, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss The Regulation of Products of Biotechnology and New Challenges Faced By Farmers and Food Business.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public some changes to the agenda for the hearing that is scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources on Thursday, October 14, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county, has been deleted from the agenda; S. 1343, a bill to direct the Secretary of Agriculture to convey certain

National Forest land to Elko County, Nevada, for continued use as a cemetery, has been added to the agenda.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

● Mr. HUTCHINSON. Mr. President, the Communist party celebrated the fiftieth anniversary of the People's Republic of China on October 1. Unfortunately, many Chinese people had little reason to celebrate. Indeed, this was not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade of Yenan, where the party was headquartered, and Mao Tse-tung soundly crushed challenges to his power, to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolution, during which millions were murdered or died in confinement; to the massacre at Tiananmen square just ten years ago—the Communist party under Mao Tse-tung and Deng Xiaoping sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party under Jiang Zemin is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese government continues to imprison members of the Chinese Democracy Party. In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge from society those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-one Christian house church members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am concerned that eight of these House church leaders may face execution if they are labeled and treated as leaders of a cult. Let me say clearly and unequivocally that the eyes of the international community are watching. I hope that these peaceful people will be released.

In the months leading up to this fiftieth anniversary celebration, everything and everyone were swept aside to cast a glamorous light on the Communist party. But the reality was quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people were rounded up and forced into Custody and Repatriation centers across the country. There they were beaten, they were given poor food in unsanitary conditions, and they had to pay rent.

In fact, only 500,000 carefully selected citizens were allowed to participate in the celebration in Beijing. Non-Beijing residents could not enter the city and migrant workers were sent home. They did not see the Communist Party in all its glory, as it displayed the DF–31 intercontinental ballistic missile and other arms, nor did they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly did not want to celebrate, were forced to participate under threat of losing their pay or their pensions. Mr. President, this was a celebration of the party, not the people.

But this gilded celebration will not obscure the corrosion beneath. We must recognize the nature of this corrupt regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must face reality when we deal with the Chinese government.

So when Time Warner chairman Gerald Levin courts President Jiang Zemin even when Time Magazine's China issue is banned, when our top executives are silent on human rights, when we put profit over principle, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, ''. . . we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion.''

It is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of a government accountable to the people. I hope that the self-congratulatory shouts of the Communist party will be drowned out by the voices of a free people.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Public Law 104–1, announces the joint appointment of the following individuals as members of the Board of Directors of the Office of Compliance: Alan V. Friedman, of California; Susan B. Robfogel, of New York; and Barbara Childs Wallace, of Mississippi.

ORDERS FOR TUESDAY, OCTOBER 5, 1999

Mr. BENNETT. 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 Tuesday, October 5. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 82, the Federal aviation authorization bill.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will resume consideration of the pending amendments to the FAA bill at 9:30 a.m. on Tuesday.

It is hoped those amendments can be debated and disposed of by midmorning so Senators that have amendments can work with the bill managers on a time to offer their amendments. Senators should be aware that rollcall votes are possible Tuesday prior to the 12:30 recess. By previous consent, first-degree amendments to the bill must be filed by 10 a.m. tomorrow. It is the intention of the bill managers to complete action on the bill by tomorrow evening.

As a reminder, there will be three stacked votes on nominations at 2:15 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, October 5, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 4, 1999:

DEPARTMENT OF DEFENSE

ALPHONSO MALDON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FREDERICK F. Y. PANG, RESIGNED.

JOHN K. VERONEAU, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE SANDRA KAPLAN STUART.

INTERNATIONAL ATOMIC ENERGY AGENCY

BILL RICHARDSON, OF NEW MEXICO, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

EXTENSIONS OF REMARKS

THE EARLY EDUCATION ACT OF 1999

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. ESHOO. Mr. Speaker, I rise today to introduce The Early Education Act of 1999. This bill would supplement state efforts in providing early education to children before they reach kindergarten. It authorizes $300 million a year so that high-quality, accessible early education will be available to all children.

Early education is vitally important to the success of our children, both for their academic progress as well as achievements in life. The National Research Council reported that early education opportunities are necessary if children are going to develop the language and literacy skills necessary to learn to read. A New York Times article also reported that ''[students] with higher quality preschool classes did better in language and math skills'' than those who were not in these classes. Research suggests that a child's early years are critical in the development of the brain and that early brain development is an important component of educational and intellectual achievement.

Evaluations of state efforts demonstrate the value of early education. Compared to children with similar backgrounds who have not had the benefit of early education, children who have are more likely to stay academically at or near their grade level and make normal academic progress throughout elementary school. These students are also less likely to be held back a grade or require special education services in elementary school. They are more likely to show greater learning retention, initiative, creativity, and social competency. They are more enthusiastic about school and more likely to have good attendance records.

The Early Education Act of 1999 would provide additional means for states to expand their education systems to ensure that our children will have the utmost in opportunities. Studies estimate that for every dollar invested in quality early education, approximately seven dollars are saved in later costs. I can't think of many things that Congress does that are more important than the education and health of our children. I hope all my colleagues will agree with me on the importance of early education and support this bill.

CONGRATULATIONS TO PASTOR GEORGE W. HAMPTON ON THE TWENTY-EIGHTH ANNUAL LOVE MARCH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize Pastor George W. Hampton as he and the Greater New Haven Community honor the Reverend Doctor Martin Luther King, Jr. with the 28th Annual Love March.

For twenty-eight years, Pastor Hampton and the Shiloh Missionary Baptist Church have celebrated the memory of Dr. King with this annual march and service. Dr. King's actions stand out as defining moments in our nation's history. Those of us who lived through those stirring times—and many who weren't born yet—can still picture Dr. King leading the bus boycott in Montgomery, going to jail for his beliefs in Birmingham, and sounding the clearest call to end segregation in his famous address at the March on Washington. His actions changed the course of our nation forever.

And for twenty-eight years, on January fifteenth at eleven o'clock in the morning, the Greater New Haven Community has gathered to participate in the Martin Luther King, Jr. Love March—a stirring reminder of a troubled time and a peaceful soul.

I would like to extend a special note of congratulations to Pastor Hampton. As founder and organizer of the Love March, his tenacity and dedication has made the March a beloved New Haven tradition. Each time I join in the March, I am inspired by the uplifting spirit of the crowd as we sing and move through the neighborhoods of New Haven. It is an opportunity for the community to come together to remember Dr. King's teachings, and their meaning for our lives today. The Love March has helped keep Dr. King's dream alive.

I have heard Pastor Hampton tell the story of his meeting with Dr. King. As I recall, the Pastor told him about his work in the civil rights movement and Dr. King responded, ''That's part of the dream—keep it up.'' Pastor Hampton has certainly followed that charge. For New Haven, the annual Love March is a cornerstone in the celebration of the life and spirit of Dr. King. It is a tremendous honor for me to join with Pastor Hampton's family, friends, and the City of New Haven to say thank you for giving us this annual opportunity to remember the Reverend Doctor Martin Luther King, Jr.

RECOGNIZING YOUNG FARMERS AND RANCHERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno, Madera, Mariposa and Tulare County Farm Bureaus' Young Farmers and Ranchers Program for providing the perfect arena to learn and become involved in current agriculture issues.

The California Farm Bureau Federation's Young Farmers and Ranchers Program is an outstanding organization for young people between the ages of 18 and 35. Young Farmers and Ranchers (YF&R) gives individuals the opportunity to meet new friends who share similar interests, discuss problems and issues affecting agriculture and to make a difference with a voice in agriculture through YF&R, Farm Bureau and legislative involvement.

YF&R are one of the most important entities of a county Farm Bureau. It provides leadership for tomorrow and new ideas to help the Farm Bureau keep up with the constantly changing world of today's agriculture.

The Young Farmers and Ranchers Program offers an excellent opportunity to participate in activities designed to develop leadership and communication skills, and share in family activities through various motivational, educational, and social activities.

Mr. Speaker, it is my pleasure to recognize an extremely important organization that develops future leaders through the commitment of agriculture. I urge my colleagues to join me in wishing the Fresno, Madera, Mariposa and Tulare County Farm Bureaus' Young Farmers and Ranchers Program many more years of continued success.

ON THE PASSING OF ACADEMICIAN DMITRI LIKHACHEV

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today the Russian people are mourning the passing of one of their most respected citizens and renowned scholars. Academician Dmitri Likhachev has passed away at the age of ninety-two. He was, in the words of the distinguished historian of Russia and Librarian of Congress Dr. James Billington, ''an extraordinary human being, a person of great moral integrity.''

Academician Likhachev epitomized what Russia has endured in this century. Born in 1906 in St. Petersburg, as a university student he was sent to the brutal Solovki labor camps established by Lenin to deal with ''counter-revolutionaries.'' Later he was condemned with hundreds of thousands of other prisoners to dig Stalin's infamous White Sea Canal, the first major forced labor project of the Soviet period. During World War II, he survived the 900-day siege of his native city, renamed Leningrad.

Through all the deprivations and hardships of Soviet Russia, Dmitri Likhachev pursued his studies in medieval literature, ultimately becoming Russia's foremost literary and cultural historian. In 1970, he became a member of the Soviet Academy of Sciences. When the Academy voted to expel dissident scientist Academician Andrei Sakharov from its ranks, Academician Likhachev was one of the few to defend Sakharov openly and vote against expulsion. Soon afterward, he barely escaped an attempt on his life.

After the Soviet Union collapsed and Russia regained its independence, Academician

Likhachev became prominent for his defense of Russian culture. He helped preserve many architectural monuments in St. Petersburg, and lobbied the Russian Government to finance a television channel devoted to culture.

However, it was not only the physical destruction of his homeland that concerned Academician Likhachev. He condemned the moral wasteland left by seventy years of communism. ''Like other members of the Russian intelligencia,'' wrote the New York Times, ''Likhachev was deeply disappointed by the violence, greed and vulgarity that surfaced in Russian society after the fall of communism.'' Without overcoming the perverted morality created by communist rule, he warned, Russia could fall prey to an irrational demagoguery that could threaten the entire world.

With his love of country, combined with tolerance and reason, I believe Academician Likhachev embodied ''Russian nationalism'' in the best sense of the word. May his example and his ideas thrive in Russia of the 21st century.

THE FAIRNESS FOR PERMANENT RESIDENTS ACT OF 1999

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. McCOLLUM. Mr. Speaker, in 1996, Congress made several modifications to our country's immigration code that have had a harsh and unintended impact on many people living in the United States. These individuals, permanent resident aliens, have the legal right to reside in this country and apply for U.S. citizenship. They serve in the military, own businesses and make valuable contributions to society.

For example, earlier this summer, my office received a letter from a woman I will call ''Amy.'' Amy, an American citizen, and her husband, ''Bob,'' a permanent resident alien from Scotland, were married in the United States, have two American born children, and lived a productive life in Florida for nearly 20 years. Bob had been a resident of the U.S. since he was 11 years old.

In 1985, Bob was convicted of a crime and served a three year prison term and 10 years of probation. According to the immigration laws in effect at the time, Bob was punished under U.S. law and was expected to have served his debt to society. In 1999, Bob was a rehabilitated, productive and gainfully employed member of his community.

The changes made in the immigration laws in 1996 meant that Bob, who had committed a crime 13 years ago—a crime that was not considered deportable at that time—and served his debt to society, was about to be punished again. The harsh provisions of the 1996 bill dictated that he be automatically deported for the crimes he committed 13 years ago, with no opportunity to seek a waiver from an immigration judge, as he would have before the 1996 law change.

In addition, the law was made retroactive so that an 80-year-old permanent resident alien who committed a comparatively minor crime 60 years ago, had served his or her sentence and been a model resident in this country for more than 50 years, would now be automatically deported—regardless of physical infirmity, family considerations or any other reason.

Amy and Bob were forced to move to Scotland. The cost of the move was staggering to the family and most of their possessions were left in the U.S. Amy had to leave her native country to keep her family together, and their two children were forced to leave friends and family members behind. Amy is now undergoing immigration review in Scotland and Bob continues to work longer hours to support the family. It is uncertain if the family will be allowed to remain with Bob unless he can increase his income and prove he can support his family.

Last week, my colleague LINCOLN DIAZ-BALART and I introduced the Fairness for Permanent Residents Act of 1999. Our proposal is designed to ''right'' a wrong that was created by the 1996 changes to the immigration law. We must put fairness and justice in place to allow families like Amy and Bob to have their voice heard before they are forced into fleeing the country or being deported. For individuals who commit heinous crimes, the law should not be changed.

The law presently reads that any permanent resident alien convicted of a crime now or in the past that carries a possible sentence of one year or more—regardless of whether he or she was sentenced to or served a single day in jail—will be automatically deported with no chance for a hearing to seek a waiver. Under our bill, the right to a hearing before an immigration judge to seek a waiver from deportation would be restored for permanent resident aliens who commit comparatively minor crimes, expressly excluding murder, rape or other violent or serious crimes from waiver eligibility. Those in this category who have been deported since 1996 would have a right to seek a waiver, which if granted would permit them to return to the U.S.

Also included in our bill is relief for permanent resident aliens who are now being detained indefinitely pending deportation for crimes that have been committed in the past. Current law does not permit them to seek release on bond even if there is no place for them to be deported and they pose no danger to society if released. Our bill would allow the Attorney General to consider release to such individuals, provided they meet certain conditions.

Our bill returns balance to our existing laws by allowing people with compelling or unusual circumstances to argue their cases for reconsideration. The legislation does not automatically waive the deportation order, it simply grants a permanent resident alien the right to have the Attorney General review the merits of his or her case.

The 1996 law went too far, and as the Miami Herald recently editorialized, ''it hurts more than just the foreign born. Its victims include families with U.S. citizen children, communities that lose businesses, and businesses that lost employees. Most of all it hurts the spirit of a nation that prides itself on its immigrant heritage and just laws.''

We are a fair nation and must strike a fair balance in our immigration laws—the Fairness for Permanent Residents Act would do just that.

HONORING THE BRANFORD FIRE DEPARTMENT AND M.P. RICE HOSE COMPANY 2 ON THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. DELAURO. Mr. Speaker, it is a great honor for me to rise today to congratulate the Branford Fire Department and M.P. rice Hose Company 2 for one hundred years of dedicated service to the residents of Branford, Connecticut. M.P. Rice Hose Company 2 is the only entirely volunteer company which has remained active since the Branford Fire Department was established in 1899.

When it was first established, the Branford Fire Department was composed of citizens volunteering to protect their friends and neighbors from the threat of fire. With two hand drawn hose carriages and a horse drawn ladder truck, three fire fighting companies, Hose Company 1, House Company 2, and the Martin Burke Hook and Ladder company emerged. Today, the M.P. Rice House Company 2 continues in this strong tradition, a full century later, as the only remaining company which is completely comprise of volunteers. Working with career members of the Branford Fire Department, the volunteer companies provide residents with the very best in fire protection. As volunteers, the members of the M.P. Rice Hose company work arm and arm with our professionals, representing a commitment to the community that if taken up more broadly would make for stronger towns across America.

As the Branford community gathers today to celebrate this wonderful achievement, I would like to take this opportunity to thank all of those who have dedicated not only their time, but their lives, to the safety of all Branford residents. Firefighters face risks that many of us can never truly comprehend. Each day they must be able to perform under intense pressure—literally in life or death situations. Few things are more important than feeling safe in our homes and workplaces. Whether hosing down flames, rescuing a child from a burning house, or waiting for our call, firefighters are always there to protect us and provide us with the peace of mind we need to sleep at night. I am proud to recognize and commend the tremendous commitment they have made to our community. Our thanks and appreciation can never repay those who put their lives on the line to ensure our safety.

Today's celebration marks the 100th Anniversary of the Branford Fire Department. The courage and dedication demonstrated each day by these men and women, whether volunteer or career member, is reflective of the true spirit in which the department was established. I am indeed proud to rise today to extend my thanks for what you do each day, and congratulations on this remarkable accomplishment.

RECOGNIZING ED PEELMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Ed Peelman for his outstanding contributions to the community of Fresno.

For half a century Ed Peelman has been a presence in the community, raising money for Christian causes, involved in conservative politics, making his mark in farming and later real estate.

Nearly 25 years ago, he closed a successful hay business to start an even more successful real estate firm, Peelman Realty Co. Inc. Ed kept his hand in agriculture by specializing in rural property and continuing to farm his ranches. For the last five years, Peelman was the number one seller of rural property in Fresno County, averaging about $10 million in sales each year.

Peelman uses his contacts and fund-raising skills to support conservative Christian causes. Ed helped Warner Pacific College in Portland, Oregon, the alma mater of two of his three daughters. He arranged for a former hay customer and friend to donate 2,100 acres, which he used to set up a trust for the college. That donation is now worth about $12 million.

Peelman's attention in is now directed toward helping Fresno Pacific College. He has arranged for dozens of people to contribute to the college. Through the years, he has also been involved in numerous civic and church organizations.

These days Ed concentrates on the Christian Business Men's Committee, the Fresno County and City Chamber of Commerce, Fresno City and County Historical Society, and the Full Gospel Business Men's Fellowship International.

At 71, Peelman shows no signs of slowing down, despite a triple bypass surgery three years ago and a gall bladder operation two years ago.

Mr. Speaker, I rise to honor Ed Peelman for his service to the community. I urge my colleagues to join me in wishing Ed and his family many more years of continued success and happiness.

MILESTONE OF U.S. FOREIGN RELATIONS AND DIPLOMACY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to mark a milestone in the conduct of America's foreign relations and diplomacy—the end of an era, if you will. This past Friday, October 1, 1999, the people and programs of the United States Information Agency formally joined the Department of State. After 56 years, America's public diplomacy will begin a new chapter. As the Agency joins the Department, I want to express a deep and profound appreciation for the work of USIA since 1953, and to salute the many members of the Foreign Service and the Civil Service who are engaged in its vital work.

THE COLD WAR

American ''public diplomacy'' began before World War II with the establishment of American centers in libraries in Latin America. During World War II, the Voice of America and the Office of War Information gave the people of occupied Europe and Asia the truth about the conduct of the war. Public diplomacy gained momentum after the war's end, when American libraries and cultural centers were established as part of postwar reconstruction, when Congress passed the Smith-Mundt Act, and when the Fulbright program began the postwar exchange of students and scholars to advance international understanding. In 1953, these elements of public diplomacy were gathered by President Eisenhower into the United States Information Agency.

When USIA was formed, the Cold War divided the world and its peoples. The brutal subjugation of the nations of Eastern Europe as Soviet satellites was a fresh memory. The Korean war was drawing to a close, and the Soviets were propagating yet one more of their ''big lies'': that the United Sates had introduced germ warfare in the conflict there. Three years later they would lie that the people of Hungary—then being killed by tanks in the streets of Budapest—welcomed the Soviet army.

The Cold War was more than a political, economic, and military contest. The Soviets and their surrogates worked hard to demonize the United States, to discredit American ideals, to support ''national liberation'' movements, and to inflame vast areas of the world with anti-American propaganda. Their broadcasts, newspapers, magazines, state-controlled wire services, and publishing houses spread some amazing fictions.

Fiction: The communist parties stood for the equality of all people. Truth: the communists, once in power, became a grasping and arrogant elite—a new class—that garnered the privileges of society while ordinary people lived in grim poverty, and their lives grew shorter.

Fiction: Communism and central planning would create a new industrial bounty. Truth: Except for their armaments and armies, the socialist nations had Third World economies.

Soviet propaganda went beyond words to embrace the use of forged documents and disinformation: that experiments in American laboratories had gone awry and spawned the AIDS virus, that Americans kidnaped Central American children for body parts, and that Americans developed weapons that would decimate the nonwhite peoples of the world, to name a few.

Facing such fevered attempts to turn nations of the world against us, USIA over the years developed scores of programs to ''tell America's story to the world.'' For USIA's work to be credible, it had to be accurate and truthful. Edward R. Murrow described USIA's spirit of candor as the telling of America's story ''warts and all.''

USIA's American libraries overseas offered a wealth of knowledge and gave witness to important principles of democracy: that an educated public is the foundation of a democratic society, and that the free exchange of information and opinions is also a necessary element of liberty and prosperity.

In the early days, USIA's American libraries and centers also exhibited art and hosted authors and poets. In societies that had been only a few years beforehand devastated by war, these modest and aboveboard efforts to restore the cultural life of other nations were deeply welcomed and appreciated.

World's fairs and international exhibitions were important gatherings in the postwar period. It was USIA that managed American pavilions and hired young Americans who spoke the world's languages to describe our way of life and the benefits of freedom, markets, enterprise, and democracy.

In less developed areas of the world, USIA officers sometimes led small convoys of vehicles with motion picture projectors and generators, showing documentaries and other American films in small towns and villages.

USIA magazines such as America Illustrated, Dialog, World Today, Trends, Topic, Economic Impact, English Teaching Forum, and Problems of Communism won awards for content and design as they communicated American views in many languages to readers across the globe. USIA films such as ''Years of Lightning, Days of Drums'' and ''The Harvest'' were similarly lauded.

Americans who spoke abroad under USIA auspices—at foreign universities, policy institutes, and other places where students and intellectuals gathered—addressed topics in politics, economics, the environment, culture, and foreign policy. Among these speakers were American judges and lawyers introducing and explaining the idea of the Rule of Law.

International visitors sent to the United States under USIA auspices had the opportunity to meet counterparts in the United States on four week visits. For many, it was their first visit to the United States, and they encountered a society far different from the images they had grown up with. This kind of people-to-people program would not have been possible without the help of thousands of ordinary Americans affiliated with local councils for international visitors. They opened their homes, volunteered their time, and won friends for our country.

USIA administered the Fulbright program which placed American professors in foreign universities and brought professors from other countries to enrich our own faculties. Fulbright professors shared their knowledge and their syllabuses, and they were a key element in establishing American Studies associations, programs, and majors of universities abroad.

USIA's information officers organized tens of thousands of press conferences that allowed journalists to hear directly from our nation's officials, from visiting members of Congress, and from other distinguished Americans.

The distribution of USIA's daily Wireless File (now the Washington file) gave government officials and opinion leaders the full texts of speeches, congressional testimonies and hearings, and documents so that they could have a full understanding of the United States' position on the issues, not simply react to a few quotes, out of context, in a brief article or broadcast.

When USIA was established, some Embassies and consulates received the Wireless File by Morse code. There were the years of punched tape and radio teletype—sending the File through both sunspot interference and Soviet jamming. Teletype yielded to computer transmission in the eighties, and to the internet and web pages in the nineties. All along USIA's writers were aided by a corps of able technicians who harnessed each new development in communications technology.

They mastered video technology as well. The telepress conference over telephone lines was followed by the televised Worldnet Dialog using TVRO technology. The State Department will continue USIA's program to equip American embassies with Digital Video Conference equipment.

In looking back at the Cold War, there were some moments of excitement—and victory—as well as the steady years of information programs and education and cultural exchanges. The international information campaign to explain the deployment of Pershing missiles to Europe in the face of resolute Soviet opposition was an important accomplishment. So too was the effort to show the world how the Soviet Air Force downed KAL 007, killing among its passengers a member of this House. The sound and video portrayal of the attack put together by USIA riveted the United Nations and the world.

ATTAINING AMERICA'S GOALS IN THE WORLD

When the Berlin Wall fell in 1989, there were some who said that the work of America's ''Cold War propaganda agency'' was finished, and USIA could be ''pensioned off.''

The end of the Cold War did not, however, end the challenges facing the United States. Our armed forces have fought wars. Drugs, terrorism, and proliferation of nuclear, chemical, and biological weapons remain grave threats to our security. Saddam Hussein and Slobodan Milosevic are only two of the thugs whose rule is buttressed by domestic press controls and by vigorous external propaganda. There are still national wire services, radio programs, and television broadcasts whose central mission is to lie about the United States.

USIA's programs aimed to counter propaganda with truth. The means of advocacy and persuasion were democratic—the conversation, the seminar, the op-ed, the open press conference. Americans from all walks of life, with many points of view, cooperated in USIA's work. These were not, then, programs tailored only to win the Cold War. Programs established on these enduring democratic concepts—solid foundations that reflect our nation's values—have proven as appropriate and effective in the new international environment as the old.

President Eisenhower's order forming USIA, still, I submit, expresses the values embedded in America's public diplomacy—''to submit to the people of other nations by means of communications techniques that the objectives and policies of the United States are in harmony with and will advance their legitimate aspirations for freedom, progress, and peace.''

USIA'S PEOPLE

USIA's buildings are only a few blocks from this House. Over the years our nation has benefitted from the Agency's committed assembly of talents in many fields.

The Civil Service provided writers, television producers, film makers, exhibition planners, magazine designers, photographers, communications specialists, and of course the executives and administrators and support staff who helped the others get the job done.

USIA's Foreign Service Officers planned and directed the information and cultural programs at Embassies, consulates, and American centers. It was they who took America's message ''the last three feet'' as they met government officials and opinion leaders and spoke to them in their own languages. The Foreign Service also included specialists in libraries, English instruction, student counseling, printing, and other skills.

We must also salute the local employees at USIA's posts around the world. On every continent USIA's American personnel worked together with Foreign Service National employees to plan and carry out programs. Programs conceived and run only by Americans would have had limited effectiveness. But in an everyday working partnership, Americans and local colleagues together hammered out effective presentations.

On occasions when there has been tension between the United States and another country, USIA's local employees were sometimes charged, even by friends and neighbors, with disloyalty or ''selling out to the Americans.'' Their fidelity to USIA's work has given eloquent testimony that they are also committed to partnership, dialogue, and harmony between the goals of the United States and their own society. They deserve an extra measure of gratitude and recognition.

PRINCIPLES FOR PUBLIC DIPLOMACY

As we make this organizational change in American public diplomacy, Mr. Speaker, we should mark well some principles that should endure as these programs and people move into the Department of State.

The first is to affirm that American foreign policy needs public diplomacy more than ever. The world has been forever changed by the communications revolution and by the democratic revolution. The first of those revolutions now allows broad access to information about foreign policy and how it affects people and societies. The second revolution engages citizens in the decisions made by their governments.

What we might call traditional diplomacy—between professional diplomats, conducting business away from the public eye—thus gives way to a larger conversation between peoples. At one time public diplomacy may have been considered a complement, a support function perhaps, for traditional diplomacy. In the age of democracy and the age of the Internet, it increasingly moves to the center.

The second principle is that the U.S. Government needs a dedicated public diplomacy arm. Occasionally one hears that in the age of CNN our nation has not need for diplomats. The commercial networks and wire services, however, cannot do the whole work of communicating American foreign policy, much less American values. They play an important role—an indispensable role—in reporting the news and informing the public. But members of the Fourth Estate themselves admit that news and public affairs budgets are always right. They recognize that broadcast news generalizes, simplifies, and dramatizes events in a direction that may be unhelpful to diplomacy. And there is the matter of editorial direction. The U.S. Government needs international information programs and activities—beyond the public affairs programs and activities already conducted by the Department of State, which are focused primarily on domestic audiences—so that the facts and the values that underlie the American system can be communicated fully, directly, and in context.

The third is that American public diplomacy must continue to be balanced. A vital principle of America's public diplomacy, international broadcasting programs, and exchanges has been that they present American society—and the making of foreign policy—as a whole.

It is true that public diplomacy programs sometimes report on and explain official government policies—but only as one component of a broader and more important mission. American public diplomacy has always included the discussion of responsible alternative viewpoints, the coverage of debates, and other information that makes clear that what is being communicated is the enduring American consensus, not just the policy du jour of a particular Administration or a particular Department. Without evenhanded coverage—such as is explicitly required by the charter of the Voice of America—bipartisan support in Congress for public diplomacy and exchanges would, I fear, be impaired.

Finally, Mr. Speaker, America's public diplomacy must continue to address the keystone issues of democracy, human rights, and the rule of law. Increasingly we realize that the fundamental remedies for what we once defined as development problems or as economic problems are to make governments democratic, responsive, honest, and respectful of human rights.

Mr. Speaker, when Thomas Jefferson wrote of America's commitment to certain self-evident truths—among them life, liberty, and the pursuit of happiness—he did so to express the new American nation's ''decent respect to the opinions of mankind.'' The men and women of the United States Information Agency have possessed the same commitment. Their calling has been to explain the United States—its foreign policy, its form of government, its society, and its ideals—to the people of other countries. They did so with honor for fifty-six years. They now move into the Department of State. I know I speak for many other members of this body when I express the nation's thanks for their service—and the hope that their programs, their talents, and their commitment will continue to prosper.

BOUNDARY WATER CANOE AREA WILDERNESS NAMED AMONG THE TOP 50 MUST-SEE SPOTS IN THE WORLD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. VENTO. Mr. Speaker, after a 2-year study, the National Geographic Traveler magazine identified the 50 ''must-see'' places to visit in its October issue. It is a very impressive list, and not surprisingly, some of the most spectacular and well known locations in the world are included.

The United States boasted a number of historic, cultural and natural must-see sites. I was most pleased to note that the Boundary Waters Canoe Area Wilderness (BWCAW) was included in this exclusive list. I rejoice with all the Minnesotans and Americans who have worked for the better part of this century to maintain the natural state of the over one million acres of pristine wilderness. As one of the top natural attractions in the nation, the BWCAW will hopefully be enjoyed by many more in the near millennium.

I submit for the RECORD an October 2 article from the St. Paul Pioneer Press commemorating the BWCAW.

[From the Saint Paul Pioneer Press, Saturday, October 2, 1999]

BWCA MAKES LISTING OF 50 'MUST-SEE' SPOTS

(By Sam Cook)

The Boundary Waters Canoe Area Wilderness of northern Minnesota is among 50 ''must-see spots ''in the world, according to the October issue of National Geographic Traveler magazine.

Two years in the making, the list names the 50 ''places of a lifetime—the must-see spots for the complete traveler.''

The magazine is available on newsstands.

''We are celebrating these places as the century turns, the places you should visit in your lifetime if you are a real traveler,'' said Keith Bellows, editor of the travel magazine published by the National Geographic Society. These places, ''capture the spirit and diversity of our world.''

Ely polar explorer Will Steger wrote the text that accompanies the Boundary Waters listing; renowned photographer Jim Brandenburg added a first-person anecdote.

Brandenburg, who sells his photos in a retail gallery in Ely, was pleased to see the Boundary Waters on the list.

''There are two ways to look at it,'' Brandenburg said Friday. ''For those of us who live here and cherish the pristine and quiet nature, we're all happy to see new business come to town—but not too much.''

Unlike some more developed or spectacular places on the list the Boundary Waters must be experienced firsthand, Brandenburg said.

''You have to work to love the Boundary Waters,'' he said. ''It isn't for sissies. It isn't for people who travel down the road and look for vistas.''

The 50 winners—plus one bonus destination—were picked from more than 500 nominations by National Geographic writers and editors and outside advisers.

The Boundary Waters, designated the Boundary Waters Canoe Area Wilderness by Congress in 1978, is 1.1 million acres in size and is adjacent to other wildland areas. Quetico Provincial Park, 1 million acres in Canada, and Voyageurs National Park, 218,000 acres in Minnesota.

IN HONOR OF HERMAN R. FINK ON HIS 103RD BIRTHDAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Herman R. Fink on his 103rd birthday.

A resident of Santa Ana, Mr. Fink has lived, on his own, at the same address for 60 years. His only daughter, Lorraine, his family and friends, will gather on his birthday, October 2, 1999, for their annual celebration at his favorite restaurant. Once again, those who love and admire him, will share in the glow of this wonderful event.

During his lifetime, Mr. Fink has traveled around the world, from Egypt to Australia, from France to South America. He is truly a world-citizen who has captured the romance and excitement of all the countries he visited and his memories are the postcards that have enhanced his life and the lives of those who know him well.

Herman Fink was married for 67 years to his wife, Clara. His marriage was a perfect match made in heaven, according to his only daughter, Lorraine Ellison of Garden Grove, California. His life is filled with the pride and joy of his two granddaughters and two great grandchildren.

Colleagues, please join with me today as we salute a wonderful man, an octogenarian, who has lived life well and to the very fullest.

HONORING KENNETH MADDY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. CONDIT. Mr. Speaker, I rise today to pay tribute to a good friend and honor a lifetime of dedicated public service. Ken Maddy is a political legend in California's great Central Valley. A Republican in a largely Democratic district, Ken understood early what many of us have yet to learn about bipartisanship. Like the freeway bearing his name which runs down the middle of the Valley, Ken cuts through the political heart and soul of the Valley.

As we pause to honor him, I am reminded of his very unique leadership style. Ken skillfully forged a niche of consensus in finding solutions that proves leadership transcends political parties. To call Ken's style unique is not to fully do it justice. Every once in a while someone comes along bringing a little something ''extra'' to the table. Though it isn't tangible, it is nevertheless very real and it helps define leadership ability. Ken Maddy personifies that.

The Central Valley is a truly unique political arena. We pride ourselves on independent thought. We are proud of our ability to see beyond party labels and ideologies. Mr. Speaker, in large part, it is because of Ken's leadership that this thinking is prevalent today.

His dedication as a public servant is exemplary. Equally impressive is his list of accomplishments. Throughout his career, Ken authored more than 400 bills which were signed into law.

His vision and foresight put him in the front lines of legislative battles ranging from ethics of state legislators to crime; private property rights to reducing the scope of governmental regulations on agriculture; and balancing land use against legitimate environmental concerns.

Ken was also often on the cutting edge of health care issues such as Medi-Cal and Welfare Reform, free-standing cardiac catheterization labs, surgi-centers and most recently, the Healthy Families Act.

Because of his love and expertise of horse racing, Ken has virtually rewritten the horse racing law in California—writing more than 45 bills that were later adopted into law on the subject.

I know he is proudest of the very significant and lasting contributions he made in helping establish the California Center for Equine Health and Performance and the Equine Analytical Chemistry Laboratory at the University of California, Davis.

It is with great pride that I report to my colleagues that UC Davis officials named the building in his honor. Additionally, he was awarded the California State University Lifetime Achievement Award earlier this year.

One of the most telling signs of political maturity is acceptance and recognition by your peers. For three years, Ken served as Chairman of the Senate Republican Caucus before serving eight years as Republican Leader. He's a text-book case on ''how to make things happen while serving in the minority party.''

Ken was awarded the Lee Atwater Minority Leader of the Year Award in 1992 by the National Republican Legislators Association and is a six-time delegate to the Republican National Convention from 1976–1996, including two terms as a RNC whip in 1976 and 1984.

Mr. Speaker, it is with great pride that I ask my colleagues in the House of Representatives to rise and join me in honoring the lifetime achievement of a great man—my good friend, Ken Maddy.

PERSONAL EXPLANATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 2116, the Veterans Millennium Health Care Act. On September 21, the bill passed the House on suspension and I inadvertently voted ''no.''

Mr. Speaker, the Veterans Millennium Health Care Act is an important step forward toward addressing the health care needs of our Nation's veterans. For far too long the call for long-term care has gone unanswered. The bill establishes a long-term care benefit for any veteran with a 50-percent or greater disability.

It allows the Veterans Administration (VA) greater flexibility to adjust copayments for services like eyeglasses and pharmaceuticals. The legislation enables the VA to cover the emergency care of uninsured veterans and directs them to realign inefficient facilities provided the savings are reinvested locally in the community to improve veterans' care.

Mr. Speaker, H.R. 2116 has the strong support of the veterans community and I am proud to support it.

PERSONAL EXPLANATION

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. HINOJOSA. Mr. Speaker, last week, a death in my family resulted in my missing four rollcall votes—466, 467, 468 and 469—on Friday, October 1. Had I been present, I would have voted as follows: Rollcall 466—On agreeing to the conference report, H.R. 2084, Transportation and Related Agencies Appropriations Act FY 2000—''yea''; rollcall 467—On agreeing to the resolution waiving points of order against the Conference Report on H.R. 1906, Agriculture and Related Agencies Appropriations Act FY 2000—''nay''; rollcall 468—Motion to Recommit the Conference Report on H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, FY 2000—''yea''; rollcall 469—On agreeing to the Conference Report, H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations, FY 2000—''yea.''

A TRIBUTE TO DR. HANAN ASHRAWI AND PEACE IN THE MIDDLE EAST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life's work to peace in the Middle East and who will share her story at the Eleventh Annual Grand Banquet of the Greater Toledo Association of Arab-Americans on October 16, 1999. As a daughter of Ramallah, she is considered by many in northwest Ohio from El-Bireh as a sister, part of their families.

Dr. Hanan Ashrawi has been the human face of the Palestinians. As the official spokesperson for the Palestinian delegation to the Middle East peace process, she has told the world the story of her people, the pain they have felt and their hopes for the future. Her passion and her commitment to her people and to peace have led some to call her one of the most influential women of the 20th century.

Her dedication to peace can be traced to the influence of her parents. When she was a child, her father told her to ''be daring in the pursuit of the right.'' She has taken the words to heart.

In fact, it was her father's dedication to the written word that has had a lasting effect on Dr. Ashrawi. She is a woman of letters: a poet, a playwright, an author, and a professor of English. She sees the power that words hold—the power of ideas.

Dr. Ashrawi sees peace as based on the sanctity of human rights, especially the rights of women. She helped to found the Jerusalem Center for Women and works with many groups across the globe, including the Palestine Center for Human Rights; the Carter Center and the Fund for the Future of Our Children.

John Foster Dulles once said ''You have to take chances for peace, just as you must take chances in war * * *'' Dr. Ashrawi is not one who has been afraid to take chances—to reach out for compromise, to lend her voice for her people, and to be a strong woman.

Mr. Speaker, our nation was built on the principle of freedom of the people. We have an obligation as the world's harbinger of freedom to work with those dedicated to this principle as well. I congratulate Dr. Ashrawi on her life's work of freedom and peace.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. LEVIN. Mr. Speaker, I was unavoidably absent on Friday, October 1, and as a result missed rollcall votes 466 through 469.

Had I been present, I would have voted ''yes'' on rollcall 466, ''no'' on rollcall 467, ''yes'' on rollcall 468, and ''no'' on rollcall 469.

HONORING A HOOSIER HERO: MICHAEL BLAIN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 4, 1999

Mr. McINTOSH. Mr. Speaker, I rise today to pay tribute to and congratulate one of Indiana's finest, Michael Blain, who is being awarded the Star of Peace and Hope Award for 25 years of superb service to the Jewish Community of Indianapolis and the State of Israel.

Michael Blain's story is an inspiration to us all. He is a man of great strength, courage, and devotion. Not only is he a Holocaust survivor, but he served his country in the Korean War. He is a real Hoosier Hero.

Michael is very deserving of the Star of Peace and Hope Award. Twenty-five years ago Michael joined Israel-Bonds. Since that time, Michael can be credited with generating more than $100 million in investment capital for Israel's economy. This money has helped make modern Israel the high-tech jewel of the Middle-Eastern economy. Here at home, Michael has been instrumental in helping Jews from the former Soviet Union and other trouble spots settle in Indiana. His work has made this traumatic move as comfortable as possible for these struggling families. As a result of Michael's work, Indiana's culture is more diverse and dynamic.

Mr. Speaker and fellow colleagues, I am glad that you are able to join me in saying thank you to Michael Blain and congratulate him on winning the Star of Peace and Hope Award. Michael has made an unmeasurable contribution to the people of Israel and Indiana. He is a true Hoosier hero.

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 Tuesday, October 5, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 6

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR–328A

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1510, to revise the laws of the United States appertaining to United States cruise vessels.

SR–253

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine fiber terrorism on computer infrastructure.

SD–226

Foreign Relations

To hold hearings to examine United States support for the peace process and anti-drug efforts in Colombia.

SD–419

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

Foreign Relations

To hold hearings to examine the conduct of the NATO air campaign in Yugoslavia.

SD–419

Judiciary

To hold hearings on S. 1455, to enhance protections against fraud in the offering of financial assistance for college education.

SD–226

3 p.m.

Environment and Public Works

To hold hearings on the nomination of Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005; the nomination of Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority; and the nomination of Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board.

SD–406

OCTOBER 7

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.

SR–328A

10 a.m.

Judiciary

To resume hearings to examine certain clemency issues for members of the Armed Forces of National Liberation.

SD–226

Environment and Public Works

To hold hearings on S. 188, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; S. 968, to authorize the Administrator of the Environmental Protection Agency to make grants to State agencies with responsibility for water source development, for the purposes of maximizing the available water supply and protecting the environment through the development of alternative water sources; and S. 914, to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency.

SD–406

2 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine guidelines for the relocation, closing, consolidation or construction of Post Offices.

SD–608

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

Judiciary

To hold hearings on pending nominations.

SD–226

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on S. 1183, to direct the Secretary of Energy to convey to the city of Bartlesville, Oklahoma, the former site of the NIPER facility of the Department of Energy; and S. 397, to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

SD–366

OCTOBER 12

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 167, to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S. 311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs; S. 497, to designate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; H.R. 592, to redesignate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; S. 919, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S. 1296, to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1366, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreation River on land owned by the New York State; and S. 1569, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System.

SD–366

OCTOBER 13

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings on the force structure impacts on fleet and strategic lift operations.

SR–222

Indian Affairs

To hold hearings on S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments.

SR–485

2:30 p.m.

Foreign Relations

To hold hearings on numerous tax treaties and protocols.

SD–419

OCTOBER 14

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1218, to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots; S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming; S. 1343, to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery; S. 408, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, to provide for the exchange of certain land in the

State of Oregon; and S. 1599, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest.

SD–366

OCTOBER 19

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S. 1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R. 834, to extend the authorization for the National Historic Preservation Fund.

SD–366

OCTOBER 20

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the use of performance enhancing drugs in Olympic competition.

SR–253

Indian Affairs

To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs.

SR–285

OCTOBER 26

9:30 a.m.

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.

SD–366

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.

SD–366

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the Real Property Management Program and the maintenance of the historic homes and senior officers' quarters.

SR–222

OCTOBER 27

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads.

SR–485

POSTPONEMENTS

OCTOBER 6

3 p.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

OCTOBER 7

9:30 a.m.

Armed Services

To hold hearings on the security of the Panama Canal.

SD–106

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11823–S11890

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 1683–1685, S.J. Res. 35, and S. Res. 195. **Page S11879**

Measures Reported: Reports were made as follows:

Special Report entitled ''The 1999 Joint Economic Report.'' (S. Rept. No. 106–169)

S. 1236, to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho. (S. Rept. No. 106–170)

S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, with an amendment. **Page S11879**

Measures Passed:

Commending Dr. William Ransom Wood: Senate agreed to S. Res. 195, expressing the sense of the Senate concerning Dr. William Ransom Wood. **Page S11867**

Air Transportation Improvement Act: Senate began consideration of S. 82, to authorize appropriations for the Federal Aviation Administration, withdrawing committee amendments, and taking action on the following amendments proposed thereto: **Pages S11824–48, S11851–59**

Adopted:

Gorton (for McCain) Amendment No. 1891, in the nature of a substitute. **Pages S11846, S11851**

Rockefeller (for Levin/Abraham) Amendment No. 1899, to provide for designation of at least one general aviation airport from among the current or former military airports that are eligible for certain grant funds. **Page S11859**

Pending:

Gorton Amendment No. 1892, to consolidate and revise provisions relating to slot rules for certain airports. **Pages S11851–54**

Gorton (for Rockefeller/Gorton) Amendment No. 1893, to improve the efficiency of the air traffic control system. **Pages S11854–57**

Baucus Amendment No. 1898, to require the reporting of the reasons for delays or cancellations in air flights. **Pages S11857–59**

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments to be proposed thereto, on Tuesday, October 5, 1999. **Page S11890**

Nominations: Senate began consideration of the nominations of Ronnie L. White, to be United States District Judge for the Eastern District of Missouri, Brian Theadore Stewart, to be United States District Judge for the District of Utah, and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit. **Pages S11867–76**

Senate will resume consideration of the nominations on Tuesday, October 5, 1999 at 2:15 p.m., with votes to occur thereon.

Transportation Appropriations—Conference Report: By 88 yeas to 3 nays (Vote No. 306), Senate agreed to the conference report on H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, clearing the measure for the President. **Pages S11862–67**

Appointment:

Office of Compliance Board of Directors: The Chair, on behalf of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, pursuant to Public Law 104–1, announced the joint appointment of the following individuals as members of the Board of Directors of the Office of Compliance: Alan V. Friedman, of California, Susan B. Robfogel, of New York, and Barbara Childs Wallace, of Mississippi. **Page S11890**

Nominations Received: Senate received the following nominations:

Alphonso Maldon, Jr., of Virginia, to be an Assistant Secretary of Defense.

John K. Veroneau, of Virginia, to be an Assistant Secretary of Defense.

Bill Richardson, of New Mexico, to be the Representative of the United States of America to the

Forty-third Session of the General Conference of the International Atomic Energy Agency. Page S11890

Messages From the House: Page S11879

Communications: Page S11879

Statements of Introduced Bills: Pages S11879–82

Additional Cosponsors: Pages S11882–83

Amendments Submitted: Pages S11883–89

Notices of Hearings: Pages S11889–90

Additional Statements: Page S11890

Record Votes: One record vote was taken today. (Total—306) Page S11866

Adjournment: Senate convened at 12:01 p.m., and adjourned at 7:40 p.m., until 9:30 a.m., on Tuesday, October 5, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11890.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 9 public bills, H.R. 3002–3010, and 1 resolution, H. Res. 322, were introduced. Pages H9203–04

Reports Filed: Reports were filed today as follows:

H.R. 20, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York (H. Rept. 106–361);

H.R. 1665, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation, amended (H. Rept. 106–362); and

H. Res. 321, providing for consideration of H.R. 764, to reduce the incidence of child abuse and neglect (H. Rept. 106–366). Page H9203

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Tancredo to act as Speaker pro tempore for today. Page H9243

Recess: The House recessed at 12:42 p.m. and reconvened at 2:00 p.m. Page H9244

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commercial Space Transportation Competitiveness Act: H.R. 2607, amended, to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization; Pages H9246–48

Conveyance of Certain Property to Stanislaus County, California: H.R. 356, amended, to provide for the conveyance of certain property from the United States to Stanislaus County, California; Page H9249

Rail Passenger Disaster Family Assistance Act: H.R. 2681, to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; Pages H9249–51

Congratulating the American Public Transit Association: H. Con. Res. 171, congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation; Pages H9251–52

Reenacting Chapter 12 of Title 11, USC: S. 1606, to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted—clearing the measure for the President; Page H9253

U.S. Holocaust Assets Commission Extension Act: H.R. 2401, to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding; Pages H9253–56

Concerning the Participation of Taiwan in the World Health Organization (WHO): H.R. 1794, amended, concerning the participation of Taiwan in the World Health Organization (WHO); Pages H9256–59

Concern Over Interference with Freedom in Peru: H. Res. 57, amended, expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru. Agreed to amend the title; Pages H9261–63

Sense of Congress Re Sacrilegious Exhibit at the Brooklyn Museum of Art: H. Con. Res. 191, amended, expressing the sense of Congress that the

Brooklyn Museum of Art should not receive Federal funds unless it cancels its upcoming exhibit featuring works of a sacrilegious nature. Agreed to amend the title; **Pages H9267–73**

Condemning the Kidnapping and Murder of 3 United States Citizens by the FARC: H. Res. 181, condemning the kidnapping and murder by the Revolutionary Armed Forces of Colombia (FARC) of 3 United States citizens, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay (agreed to by a yea and nay vote of 413 yeas with none voting ''nay'', Roll No. 470); **Pages H9259–61, H9282–83**

Abraham Lincoln Bicentennial Commission Act: H.R. 1451, amended, to establish the Abraham Lincoln Bicentennial Commission (agreed to by a yea and nay vote of 411 yeas to 2 nays, Roll No. 471); **Pages H9263–67, H9283**

VA, HUD, and Independent Agencies Appropriations: The House disagreed to the Senate amendment to H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000 and agreed to a conference. Appointed as conferees: Representatives Walsh, DeLay, Hobson, Knollenberg, Frelinghuysen, Wicker, Northup, Sununu, Young of Florida, Mollohan, Kaptur, Meek of Florida, Price of North Carolina, Cramer, and Obey. **Pages H9273–76, H9283–84**

Agreed to the Mollohan motion to instruct conferees to agree with the higher funding levels recommended in the Senate amendment for the Department of Housing and Urban Development; for the Science, Aeronautics and Technology and Mission Support accounts of the National Aeronautics and Space Administration; and for the National Science Foundation by a yea and nay vote of 306 yeas to 113 nays, Roll No. 472. **Pages H9273–76, H9283–84**

Interior and Related Agencies Appropriations: The House disagreed to the Senate amendment to H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000 and agreed to a conference. Appointed as conferees: Representatives Regula, Kolbe, Skeen, Taylor of North Carolina, Nethercutt, Wamp, Kingston, Peterson of Pennsylvania, Young of Florida, Dicks, Murtha, Moran of Virginia, Cramer, Hinchey, and Obey.

Pages H9276–82, H9284–85

Agreed to the Dicks motion to instruct conferees to (1) insist on disagreement with the provisions of Section 335 of the Senate amendment and insist on the provisions of Section 334 of the House bill; (2) to agree with the higher funding levels recommended in the Senate amendment for the National Endowment for the Arts and the National Endowment for the Humanities; and (3) to disagree with the provisions in the Senate amendment which will undermine efforts to protect and restore our cultural and natural resources by a yea and nay vote of 218 yeas to 199 nays, Roll No. 473.

Pages H9276–82, H9284–85

Recess: The House recessed at 5:50 p.m. and reconvened at 6:00 p.m. **Page H9282**

Recess: The House recessed at 6:50 p.m. and reconvened at 8:15 p.m. **Page H9282**

Office of Compliance: The Chair announced on behalf of the Speaker and the Minority Leader of the House and the Majority and Minority Leaders of the Senate their joint appointment of the following individuals to a five-year term to the Board of Directors of the Office of Compliance: Mr. Alan V. Friedman of California, Ms. Susan S. Robfogel of New York, and Ms. Barbara Childs Wallace of Mississippi.

Page H9285

Senate Messages: Messages received from the Senate appear on pages H9243 and H9285.

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H9282–83, H9283, H9284, and H9284–85. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:34 p.m.

Committee Meetings

PRESCRIPTION DRUGS

Committee on Commerce: Subcommittee on Health and Environment concluded hearings on Prescription Drugs: What We Know and Don't Know About Seniors' Access to Coverage. Testimony was heard from Representatives Peterson of Minnesota, Stark, Fletcher, Allen, Berry and Gilman.

BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT; QUALITY CARE FOR THE UNINSURED ACT

Committee on Rules: Heard testimony from Chairmen Bliley, Goodling and Archer; and Representatives Upton, Cox, Ganske, Norwood, Coburn, Lazio, Shadegg, Greenwood, Boehner, DeMint, Thomas, Shaw, Houghton, Kolbe, Hobson, Kelly, Ney, Gibbons, Dingell, Thurman, Traficant, Slaughter, Berry and Capuano, but action was deferred on the following bills: H.R. 2723, Bipartisan Consensus Managed Care Improvement Act of 1999; and H.R. 2990, Quality Care for the Uninsured Act of 1999.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 764, Child Abuse Prevention and Enforcement Act of 1999. The rule waives all points of order against consideration of the bill. The rule waives points of order against provisions in the bill for failure to comply with clause 4 of rule XXI (prohibiting appropriations in legislative bills). The rule provides that the bill shall be open for amendment at any point. The rule allows the Chairman of the Committee of the Whole 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. Testimony was heard from Representatives McCollum and Scott.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1075)*

S. 380, to reauthorize the Congressional Award Act. Signed October 1, 1999. (P.L. 106–63)

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 5, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold closed hearings on issues relating to the Department of Energy and Intelligence Community witnesses on military implications of the Comprehensive Test Ban Treaty, 9:30 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold hearings on S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, 9:30 a.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold hearings on S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on the Environmental Protection Agency's Blue Ribbon Panel findings on methyl tertiary-butyl ether, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings on the Convention On Protection of Children and Co-operation in Respect of Intercountry Adoption, Adopted and Opened for Signature at the Conclusion of the Seventeenth Session of the Hague Conference on Private International Law on May 29, 1993 (Treaty Doc. 105–51); and S. 682, to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 10:30 a.m., SD–419.

Subcommittee on African Affairs, to hold hearings to examine development assistance to Africa and the implementation of United States foreign policy, 2:45 p.m., SD–419.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2:30 p.m., room to be announced.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings on S. 758, to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, 10 a.m., SD–226.

House

Committee on Armed Services, hearing on the U.S. Commission on National Security/21st Century, 9:30 a.m., 2118 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, hearings on H.R. 2944, Electricity Competition and Reliability Act of 1999, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 2, to send more dollars to the classroom, 10:30 a.m., 2175 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 2886, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; H.R. 1520, Child Status Protection Act of 1999; H.R. 2961, International Patient Act; and two private relief bills, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands, hearing on H.R. 2932, to authorize the Golden Spike/Crossroads of the West National Heritage Area, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Basic Research, hearing on Plant Genome Science: From the Lab to the Field to the Market, Part 2, 2 p.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing on Fuels for Future, 10 a.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on fatherhood legislation, 12 p.m., B–318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Tuesday, October 5

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 82, Air Transportation Improvement Act (FAA Authorization).

At 2:15 p.m., Senate will vote consecutively on the confirmations of the nominations of Ronnie L. White, to be United States District Judge for the Eastern District of Missouri, Brian Theadore Stewart, to be United States District Judge for the District of Utah, and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit.

Also, Senate will consider any conference reports when available.

(Senate will recess from 12:30 p.m. until 2:30 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, October 5

House Chamber

Program for Tuesday: Consideration of 2 Suspensions:

(1) H.J. Res. 65, Commending the World War II Veterans Who Fought in the Battle of the Bulge; and

(2) H.R. 1663, National Medal of Honor Memorial Act; and

Consideration of H.R. 764, Child Abuse Prevention and Enforcement Act (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Condit, Gary A., Calif., E2023
DeLauro, Rosa L., Conn., E2019, E2020
Eshoo, Anna G., Calif., E2019
Hinojosa, Rubén, Tex., E2023
Hoyer, Steny H., Md., E2023
Kaptur, Marcy, Ohio, E2024
Levin, Sander M., Mich., E2024
McCollum, Bill, Fla., E2020
McIntosh, David M., Ind., E2024
Radanovich, George, Calif., E2019, E2021
Sanchez, Loretta, Calif., E2023
Smith, Christopher H., N.J., E2019, E2021
Vento, Bruce F., Minn., E2022

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