

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected: Now, therefore, be it

Resolved,

SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD.

It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of relief efforts in their States;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided shelter, food, and comfort to the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS.

To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renourish damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

• Mr. EDWARDS. Mr. President, on September 14, Hurricane Floyd began making its way up the eastern coast, leaving in its path unprecedented destruction. The hurricane made landfall at the mouth of the Cape Fear River in North Carolina on September 16 and brought with it strong winds and torrential downpours. To date, Hurricane Floyd is responsible for 65 deaths, 45 in North Carolina alone. One week after Hurricane Floyd made landfall, flood waters just beginning to recede and North Carolinians are now starting the grim task of starting over. •

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

**DASCHLE (AND OTHERS)
AMENDMENT NO. 1790**

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY) proposed an amendment to 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; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. . SENSE OF THE SENATE.

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

(1) The American people know that a strong public education system is vital to our Nation's future and they overwhelmingly support increasing the Federal investment in education.

(2) The funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

(3) The current allocation for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

(4) The 17 percent reduction in Head Start will result in 142,000 children not being served.

(5) The 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

(6) The 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

(7) The 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than \$880,000,000.

(8) The 17 percent reduction will deprive 2,100,000 children in high-poverty commu-

nities of educational services to help them do well in school and master the basics.

(9) The 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms.

(10) The 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college.

(11) The 17 percent reduction will reduce funds provided to schools to improve school safety by nearly \$100,000,000.

(12) The 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards.

(13) No action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000.

(14) There are only 5 legislative work days left before the end of fiscal year 2000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) \$1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for teachers;

(C) \$600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least \$3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

**ROBB (AND OTHERS) AMENDMENT
NO. 1791**

Mr. ROBB (for himself, Mr. WARNER, and Mr. DEWINE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH.

(a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next twenty years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the U.S. balance of trade, with a net contribution of more than \$41 billion in 1998.

(8) Less than ten years ago, American airplane producers controlled over 70% of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50% of the world's civil aviation market, and is aiming to capture 70%.

(10) The rise of foreign competition in the global aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

FEINSTEIN AMENDMENT NO. 1792

Ms. MIKULSKI (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ . UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

SMITH AMENDMENT NO. 1793

Mr. STEVENS (for Mr. SMITH of Oregon) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place in the bill, insert: "The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days."

BREAUX AMENDMENT NO. 1794

Ms. MIKULSKI (for Mr. BREAUX) proposed an amendment to the bill, H.R. 2684, supra; as follows:

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking of "1999" and inserting "2000".

CHAFEE (AND OTHERS) AMENDMENT NO. 1795

Mr. STEVENS (for Mr. CHAFEE (for himself, Mr. BROWNBACK, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. KENNEDY, Mr. BINGAMAN, Mr. JEFFORDS, Mr. DASCHLE, Mr. ROTH, Mrs. BOXER, and Mr. GRAMS) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 78, line 20, strike "\$1,885,000,000" and insert "\$1,897,000,000".

On page 78, line 21, before the colon, insert the following: ", and of which not less than \$12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund".

GRAMM AMENDMENT NO. 1796

Mr. STEVENS (for Mr. GRAMM) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 45, line 9, strike "\$16,000,000" and insert in lieu thereof, "\$19,493,000".

DODD (AND BENNETT) AMENDMENT NO. 1797

Ms. MIKULSKI (for Mr. DODD (for himself and Mr. BENNETT)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place under the heading Federal Emergency Management Agency, insert: "For expenses related to Year 2000 conversion costs for counties and local governments, \$100,000,000, to remain available until September 30, 2001: *Provided*, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed \$1,000,000 for each county and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: *Provided further*, That of the funds made available to a county or local government under this provision, 50 percent shall be a

grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within five years of the loan: *Provided further*, That none of the funds provided under this heading may be transferred to any county or local government until fifteen days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the amounts provided under the heading "Funds Appropriated to the President" in Title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$100,000,000 are rescinded".

BOND (AND LAUTENBERG) AMENDMENT NO. 1798

Mr. STEVENS (for Mr. BOND (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 113, line 14, strike out "in any way tends" and insert in lieu thereof: "is designed".

BOND AMENDMENT NO. 1799

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 44, insert before the period on line 10 the following: "": *Provided further*, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development state or local office".

HUTCHISON AMENDMENT NO. 1800

Mr. STEVENS (for Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROMULGATION OF STORMWATER REGULATIONS.

(a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations described in subsection (a) until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold);

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342); and

(b) PHASE I REGULATIONS—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing—

(1) a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

COVERDELL AMENDMENT NO. 1801

Mr. STEVENS (for Mr. COVERDELL) proposed an amendment to the bill, H.R. 2684, *supra*; as follows:

On page 38, line three, insert before the period the following: “: *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers”;

On page 40, line two, insert before the period the following: “: *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers”.

CRAIG AMENDMENT NO. 1802

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill, H.R. 2684, *supra*; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 4 . PESTICIDE TOLERANCE FEES.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION

Mr. STEVENS. Mr. President, the Immigration Subcommittee of the Committee on the Judiciary requests unanimous consent to conduct a markup on Friday, September 24, 1999, beginning at 9:30 a.m. in Dirksen room 226.

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

ADDITIONAL STATEMENTS

GOVERNMENT WHISTLEBLOWERS

• Mr. GRASSLEY. Mr. President, I rise to warn the Senate of intensifying harassment against government whistleblowers. This trend threatens Congress' right to know, and preserves secrecy that shields bureaucratic misconduct. From the IRS to the State Department, retaliation is increasing against government employees who blow the whistle on wrongdoing by high government officials.

How did we get here? In the view of this Senator, one of the major problems has been the judicial activism of the Federal Circuit Court of Appeals, which has jurisdiction over challenges by government employees to illegal retaliatory acts, and which has grossly misinterpreted existing federal laws. To illustrate my concerns, I am enclosing for the RECORD a New York Times editorial; and a Federal Times article by the Government Accountability Project about the most extreme Federal Circuit precedent, involving Air Force whistleblower John White. This precedent could functionally cancel both the whistleblower law and the Code of Ethics.

I have no intention of passively acquiescing to the judicial equivalent of contempt of Congress.

The material follows:

[From the New York Times, May 1, 1999]

HELPING WHISTLE-BLOWERS SURVIVE

Jennifer Long, the Internal Revenue Service agent who nearly lost her job two weeks ago after publicly blowing the whistle on abuses at the agency, was rescued at the last minute by the intervention of an influential United States Senator. But the fact that her employers had no inhibitions about harassing her is clear evidence that the laws protecting whistle-blowers need to be strengthened. As they stand, these laws merely invite the kind of retaliation that Mrs. Long endured.

A career tax auditor, Mrs. Long was the star witness at Senate Finance Committee hearings convened in 1997 by William Roth of Delaware to investigate complaints against the IRS. She was the only IRS witness who did not sit behind a curtain and use a voice-distortion device to hide her identity. She accused the agency of preying on weaker taxpayers and ignoring cheating by those with the resources to fight back. She has since said that she was subjected to petty harassments from the moment she arrived

back at her district office in Houston. Then, on April 15 of this year, she was given what amounted to a termination notice, at which point Mr. Roth intervened with the IRS commissioner and saved her job—at least for now.

Had he not intervened, Mrs. Long's only hope of vindication would have been the remedies provided by the Civil Service Reform Act of 1978 and the Whistle-Blower Protection Act of 1989. These two statutes prescribe a tortuous and uncertain appeals process that in theory guarantees a whistle-blower free speech without fear of retaliation, but in practice is an exercise in frustration. Despite recent improvements, only a handful of Federal employees, out of some 1,500 who appealed in the last four years, have prevailed in rulings issued by the Government's administrative tribunal, the Merit System Protection Board. Overwhelmingly, the rest of the cases were screened out on technical grounds or were settled informally with token relief.

A few prominent whistle-blowers have won redemption outside the system. Frederic Whitehurst, the chemist who was dismissed after disclosing sloppiness and possible dishonesty in the Federal Bureau of Investigation's crime laboratory, won a sizable cash settlement because he had a first-class attorney who mounted an artful public relations campaign. Ernest Fitzgerald, the Pentagon employee who disclosed massive cost overruns, survived because he was almost inhumanly persistent and because his cause, like Mrs. Long's, attracted allies in high places. But the prominence of an issue does not guarantee survival for the employee who discloses it. Notra Trulock, the senior intelligence official at the Energy Department who tried to alert his superiors to Chinese espionage at a Government weapons laboratory, has since been demoted.

Senator Charles Grassley, an Iowa Republican, has been seeking ways to strengthen the 1989 law with the help of the Government Accountability Project, a Washington advocacy group that assists whistle-blowers. One obvious improvement would be to give whistle-blowers the option to press their claims in the Federal courts, where their cases could be decided by a jury. To guard against clogging the system with frivolous litigation, the cases would first be reviewed by a nongovernment administrative panel. But the point is to give whistle-blowers an avenue of appeal outside the closed loop in which they are now trapped.

A reform bill along these lines passed the House in 1994 but died in the Senate. With Mrs. Long's case fresh in mind, the time has come for both Houses to re-examine the issue.

[From the Federal Times, July 26, 1999]

COURT TURNS WHISTLEBLOWER ACT INTO TROJAN HORSE

(By Tom Devine)

In a stunning act of extremism, the Federal Circuit Court of Appeals has functionally thrown out two statutes unanimously passed by Congress: the Code of Ethics for Government Service and the Whistleblower Protection Act.

The decision, *Lachance vs. White*, reflects unabashed judicial activism to overturn unanimous congressional mandates.

The case involves an Air Force whistleblower, John White.

In 1992, he was moved and stripped of duties after successfully challenging as gross mismanagement a local command's Quality Education System, a bureaucratic turf builder camouflaged as reform by micromanaging