special recognition and commendation of the Vidler's 5 & 10 Store on this historic Anniversary. We all wish them continued success and prosperity.

RURAL LETTER CARRIERS

HON. E. CLAY SHAW, JR. OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 21, 2000

Mr. SHAW. Mr. Speaker, the U.S. Postal Service links together cities and towns, large and small, across America through delivery of the mail. Since our nation's founding, mail delivery has been especially important to rural America, places that were at first a long walk away, then a long horse ride, and even for years a long automobile ride from the nearest downtown of a major city. The Internet today has helped reduce the distance between cities, and even countries, but mail delivery continues to be an important function for all Americans.

Most Americans, probably, are unaware that for decades rural letter carriers have used their own transportation to deliver the mail. This includes rural letter carriers who today drive their own vehicles in good weather and bad, in all seasons, in locations that can range from a canyon bottom to mountain top, ocean view to bayou. Rural letter carriers drive over 3 million miles daily and serve 24 million American families on over 66,000 rural and suburban routes. The mission of rural letter carriers has changed little over the years, but the type of mail they deliver has changed substantially—increasing to over 200 billion pieces a year. And although everyone seems to be communicating by email these days, the Postal Service is delivering more letters than at any time in our nation's history. During the next decade, however, we know that will change.

Electronic communication is expected to accelerate even faster than it has in the last five years. Some of what Americans send by mail are shipped in boxes that, once filled with packing materials, can be bulky—so bulky, in fact, that many rural letter carriers already see the need for larger delivery vehicles.

In exchange for using their own vehicles, rural letter carriers are reimbursed for their vehicle expense by the Postal Service through the Equipment Maintenance Allowance [EMA]. Congress recognized this unique situation in tax legislation as far back as 1988. That year Congress intended to exempt EMA from taxation through a specific provision for rural letter carriers in the Technical and Miscellaneous Revenue Act of 1988 [TAMRA]. This provision allowed rural mail carriers to compute their vehicle expense deduction based on 150 percent of the standard mileage rate for their business mileage use. Congress passed this law because using a personal vehicle to deliver the U.S. Mail is not typical vehicle use. Also, these vehicles have little resale value because of their high mileage and most are outfitted for right-handed driving.

As an alternative, rural letter carrier taxpayers could elect to use the actual expense method (business portion of actual operation expense, including maintenance plus depreciation). If the EMA exceeded the actual vehicle expense deductions, the excess was subject to tax. If EMA fell short of the actual vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayers Relief Act [TRA] of 1997 further simplified the taxation of rural letter carriers. TRA provides that the EMA reimbursement is not reported as taxable income. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the effect the Internet will have on rural letter carriers, specifically on rural letter carriers and their vehicles, is a problem we must address.

Expecting its carriers to deliver more packages because of the Internet, the Postal Service already is encouraging rural letter carriers to purchase larger right-hand drive vehicles, such as sports utility vehicles (SUV). Large SUVs can carry more parcels, but also are much more expensive to operate than traditional vehicles—especially with today's higher gasoline prices. So without the ability to use the actual expense method and depreciation, rural carriers must use their pay to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

All these changes combined have created a situation contrary to the historical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural letter carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. I believe we must correct this inequity, and so I am introducing a bill that would reinstate the deduction for a rural letter carrier to claim the actual cost of the business use of a vehicle in excess of the EMA reimbursement as a miscellaneous itemized deduction.

In the next few years, more and more Americans will use the Internet to get their news and information, and perhaps one day to receive and pay their bills. But mail and parcel delivery by the United States Postal Service will remain a necessity for all Americans—especially those in rural and suburban parts of the nation. Therefore, I encourage my colleagues to support this bill and ensure fair taxation for rural letter carriers.

CONFERENCE ON THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

HON. JOHN D. DINGELL OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 21, 2000

Mr. DINGELL. Mr. Speaker, as Ranking Member of the Committee on Commerce, and senior House Democrat conferee on the conference committee to reconcile differences between S. 761, the Electronic Signatures in Global and National Commerce Act, and the amendments of the House to the bill, I rise to clarify a matter involving the legislative history of this legislation. My remarks are an extension of remarks that I made during House consideration of the conference report to accompany S. 761 (June 14, 2000, CONGRESSIONAL RECORD at H4357–H4359). Mr. Markey, the other House Democrat conferee on this matter, has authorized me to indicate that he concurs in these remarks.

Rule XXII, clause 7(d) of the Rules of the House provide that each conference report must be accompanied by a joint explanatory statement prepared jointly by the managers on the part of the House and the managers on the part of the Senate, and further that the joint explanatory statement shall be sufficiently detailed and explicit to inform the House of the effects of the report on the matters committed to conference. This is pivotal in guiding affected parties and the courts in interpreting the laws that we enact.

Late in the conference negotiations, we reluctantly agreed to a request from the staff of the chairman of the conference committee that we expedite filing and consideration of the conference agreement by not extending the negotiations to include drafting and reaching agreement on a statement of managers. Accordingly, the conference report did not and does not include the required joint explanatory statement of managers. It only contains the agreed-upon legislative language. The rule by which the conference report was considered by the House waived any point of order regarding this deficiency.

Given this chain of events and what we thought was a binding gentlemen's agreement, I was dismayed to discover that material had been inserted in both the House and Senate debate (June 14, 2000, CONGRESSIONAL RECORD at H4352–H4357) as an extension of Representative Buley's floor remarks and June 16, 2000, CONGRESSIONAL RECORD at S5283–S5288 as an extension of Senator Abraham's remarks) in the form of ajoint
EXTENSIONS OF REMARKS

June 21, 2000

statement of managers. Our Senate Demo-
cratic colleagues also have expressed con-
cerns with this language (June 15, 2000, CON-
GRESSIONAL RECORD at S5194, 3rd col-
umn). As I carefully drafted the legislation, I
was certain that my colleagues would agree
with the provisions I proposed, and that they
would express them in the RECORD, I want to clar-
ify that this material is not the statement of
managers for the conference agreement, not-
withstanding its format. Both Mr. BILEY and
Senator ABRAHAM indicated in their remarks
that the explanatory document had been pre-
pared by them and expressed their views, and
it should be taken as such. In several in-
stances, their guidance does not reflect the
intent or understanding of all the members of
the conference. A number of their statements
are simply not correct, and some of their views conflict with the very words of the stat-
tute. There is insufficient time to consult with
the other conferees and prepare a joint point-
by-point discussion of each of the statements
in the conference report. In some circumstances, the bill gives agencies authority to set standards or formats; in doing so, they may decide in some cases not to adopt an electronic process at all for fil-
ings if they determine (consistent with the
Government Paperwork Elimination Act), after
careful consideration, that this alternative is
not practicable.

For example, section 104(a) preserves the
authority of federal regulatory agencies, self-
regulatory organizations, and state regulatory
agencies to set standards and formats for the
filling of records with such agencies or organi-
zations. The authority contained in section
104(a) is not subject to the limitations set forth
in section 104(b) or other limitations contained
in the Act. The preservation of agency author-
ity contained in section 104(a) is subject only
to the requirements of the Government Paper-
work Elimination Act.

Agencies may not be able to implement a process to promote electronic fillings if they are required to set stringent standards for such fillings as they deem appropriate. Standards and formats for electronic fillings may be
appropriate, for example, to ensure the integrity of electronic fillings from security breaches by computer hackers. Likewise, agencies may set standards and formats for fillings to promote uniform filing systems that will be accessible to regulators and the public alike, and to ad-

dvance the agencies’ statutory mission.

Section 104(b) allows agencies to adopt regulations containing computer readable codes (such as bar codes) when implementing the legislation, subject to stand-
ards set forth in section 104(b). Section 104(b)
contains criteria for agencies to use, but be-
cause of the vast numbers of transactions that

agencies regulate, agencies must necessarily
have reasonable discretion to apply those cri-
teria to determine when to require perfor-

nance standards or, in some limited cir-

stances (in a manner consistent with the
this bill and the Government Paperwork Elimi-
nation Act), paper records.

Having recognized in Section 101(d) the
importance of timeliness and accessibility in
electronic records, Section 104(b)(3)(A) recognizes the ability of federal regulatory agencies
to provide for such standards. Section
104(b)(3)(A) gives federal regulatory agencies
the flexibility to specify performance standards
to ensure accuracy, record integrity, and ac-

cessibility of records that are required to be
retained. Quite often, standards that require
electronic records be preserved in a non-
rewritable or non-erasable manner are crucial
to an important government objective.

Although agencies should seek to imple-
ment the goals of the legislation, the bill pro-
vides federal and state regulatory agencies
the necessary latitude to prevent waste, fraud
and abuse, and to enforce the law and to pro-
tect the public, by interpreting section 101 in
the appropriate way for their programs and ac-

tivities, subject to any applicable criteria

Section 104(c)(1) on the ability of Federal and State
agencies to interpret section 101 do not apply
to contracts in which such agencies are par-

ties. Just like private commercial parties, gov-

ernment agencies have the freedom to choose
their methods of contracting subject to other
applicable laws. The conference report does
not force parties to a contract to use any par-
ticular method in formulating and carrying out
the contract, and allows them to decide for them-
selves what specific methods to use. When a government is a party to a contract, it nat-

urally has the same rights. The restrictions in
the sections that I cited do not apply in that
circumstance and do not diminish those rights.

Also, I note that this legislation was con-

sciously crafted to allow agencies the flexibil-

ity to comply with the existing standards set forth
in the Act. A number of their statements concern with this language (June 15, 2000, CON-
GRESSIONAL RECORD at S5194, 3rd col-
umn, last para.) and carry over on S.5217 remarks
GRESSIONAL RECORD at S5216, 3rd column,
were insufficient. The conferees recognized that there
have appropriate discretion to apply those cri-
teria to determine when to require perfor-

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applicable laws. The conference report does
desirable to keep all transactions and to

sume business. The work Elimination Act.

sections 1701–1710 (1998), or GPEA. That
Act set a timetable for Federal agencies to
make available electronic alternatives to tradi-
tional paper processes, and set standards for
agencies to apply in determining whether and
how to adopt such alternatives. To the ex-
tent that the two bills do overlap, this bill is
crafted to allow agencies the flexibility to com-
ply with the existing standards set forth in
GPEA.

Finally, I would like to raise an important
law-enforcement issue. Senator ABRAHAM’s
“guidance” states that “if a customer enters
into an electronic contract which was capable
of being retained or reproduced, but the cus-
tomer chooses to use a device such as a
Palm Pilot or cellular phone that does not
have a printer or a disk drive, allowing the cus-
tomer to make a copy of the contract at that
particular time, this section is not invoked.”

June 16, 2000, CONGRESSIONAL RECORD at
S284, 3rd column, last para.)

Section 101(e) addresses more than the appli-
cation of the statute of frauds to contracts
entered into electronically. Section 101(e) pro-
vides that the legal effect of an electronic
record may be denied if it is not in a form ca-
pable of being retained and accurately repro-
duced. As a threshold matter, businesses cre-
ate the electronic systems being used by the
consumer. Those designing and implementing
these systems are obligated to ensure that
electronic records are accurate, and in a form
capable of being retained. Notably, the bill
to require electronic verification in such cases
where it is true necessary to elimin-
VETERANS TRAVEL FAIRNESS ACT

HON. BART STUPAK
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. STUPAK. Mr. Speaker, a major issue of concern for veterans and their families in rural areas all around this nation is the long distances they must travel to receive medical care at the VA hospitals. The current VA reimbursement rate for privately owned motor vehicle use is unreasonable and presents a real hardship for many rural veterans, some of whom must travel hundreds of miles to receive care. The issue is especially important now, because of the high price of gasoline.

As many of us know, the cost of driving and maintaining a motor vehicle is significant. The travel reimbursement rate developed for Federal employees reflects these costs. This rate is the established Internal Revenue Service rate, the same, fair rate that we are allowed to claim on our income taxes. Currently, the Veterans Affairs travel reimbursement rate is only 11 cents per mile, compared to a rate of 32.5 cents per mile used by Federal employees and the IRS.

Why should a veteran driving 100 miles across the state for medical care be reimbursed only $11.00, when a Federal employee gets $32.50 for going the same distance to a meeting in his own car? In fact, Department of Veterans Affairs employees themselves get reimbursed at the higher rate, while the clients they serve are expected to travel at a fraction of the cost. It simply does not make sense for the VA to use a different and stingy method to determine reimbursement rates for vets that are only one-third what is considered reasonable for Federal employees.

I am introducing this bill to amend Title 38, United States Code, to provide that the rate of reimbursement for motor vehicle travel regulated under the beneficiary travel program of the Department of Veterans Affairs be the same as the rate for private vehicle reimbursement for Federal employees.

This is an equity issue and also a matter of respect in the way we treat our veterans. Our vets deserve the same travel reimbursement rate as Federal employees. Please join me in supporting this bill.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 22, 2000 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JUNE 26

1 p.m.

Aging

To hold hearings on the hardships that dialysis patients endure and the options for improving the government’s oversight.

SD–628

JUNE 27

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

 Armed Services

To hold hearings on the nominations of Lt. Gen. Tommy R. Franks, United States Army, to be General; and Lt. Gen. William F. Kernan, United States Army, to be General.

SR–222

 Rules and Administration

To hold hearings on the operations of the Library of Congress and the Smithsonian Institution.

SR–301

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine reprocessing of single-use medical devices.

SD–430

2 p.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine the border crisis in Arizona, and the impact on the state and local communities.

SD–226

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume oversight hearings to examine the 1996 campaign finance investigations.

SH–216

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on the April 2000 GAO report entitled “Nuclear Waste Cleanup—DOE’s Pacific Plan Faces Uncertainties and Excludes Costly Cleanup Activities”.

SD–366

FOREIGN RELATIONS

To hold hearings on the nomination of Karl William Hofmann, of Maryland, to be Ambassador to the Togolese Republic; Howard Franklin Holme, of South Carolina, to be Ambassador to the Federal Republic of Malawi; Donald Y. Yamamoto, of New York, to be Ambassador to the Republic of Djibouti; and Sharon P. Wilkinson, of New York, to be Ambassador to the Republic of Mozambique.

SD–419

JUNE 28

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Environment and Public Works

Business meeting to mark up S. 2437, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States; and other pending calendar business.

SD–406

10 a.m.

Finance

Business meeting to mark up proposed legislation relating to the marriage tax penalty.

SD–215

Judiciary

To hold hearings on the struggle for justice for former U.S. World War II POW’s.

SD–226

11 a.m.

Foreign Relations

Business meeting to consider pending calendar business.

SD–419

2 p.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings oncountering the changing threat of international terrorism.

SD–226

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the treatment of U.S. business in Central and Eastern Europe.

SD–419

2:30 p.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR–385

JUNE 29

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the nationwide crisis of mortgage fraud.

SD–342