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House of Representatives

The House met at 10 a.m.

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

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

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. CARDIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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

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

CONFERENCE REPORT (H. REPT. 106–513)

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

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—

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

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

SEC. 3. APPLICABILITY.

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

SEC. 4. DEFINITIONS.

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

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

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

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

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

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

Such sums shall remain available until expended.''.

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

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

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

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

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

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

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

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

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

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

''(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.''.

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

''(g) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.''.

SEC. 103. FAA OPERATIONS.

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

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

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

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

Such sums shall remain available until expended.

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

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

''(B) $9,100,000 for the 3-fiscal-year period beginning with fiscal year 2001 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers, except that funds under this subparagraph—

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

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

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

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

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

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

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

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

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

SEC. 104. AIP FORMULA CHANGES.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

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

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

(B) by adding at the end the following:

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

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

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

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

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

''(E) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

''(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''.

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

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

''(1) PRIMARY AIRPORTS.—

''(A) APPORTIONMENT.—The Secretary'';

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(i) $150,000; or

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

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

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

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

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

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

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

''(A) IN GENERAL.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

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

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

''(B) LIMITATION.—An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed unless the Secretary determines that the rehabilitation or reconstruction is required for safety reasons.

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

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

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

(2) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

''(iii) a precision instrument landing procedure;

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

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

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

SEC. 105. PASSENGER FACILITY FEES.

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

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

SEC. 106. FUNDING FOR AVIATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

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

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

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

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

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

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

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

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

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

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

(c) ENFORCEMENT OF GUARANTEES.—

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

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

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

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

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

SEC. 107. ADJUSTMENT TO AIP PROGRAM FUNDING.

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

''§ 48112. Adjustment to AIP program funding

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

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

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

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

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

SEC. 108. REPROGRAMMING NOTIFICATION REQUIREMENT.

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

''§ 48113. Reprogramming notification requirement

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

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

''48113. Reprogramming notification requirement.''.

Subtitle B—Airport Development

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

(a) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''technology'' the first place it appears.

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

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

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

(3) by adding at the end the following:

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

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

(1) in clause (ii)—

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

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

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

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

Section 47102(3)(B) is amended—

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

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

(3) by adding at the end the following:

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

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

SEC. 123. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

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

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

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

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

SEC. 124. ENHANCED VISION TECHNOLOGIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

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

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

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

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

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

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

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

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

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

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

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

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

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

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking ''In making'' and inserting the following:

''(1) CONSTRUCTION OF NEW RUNWAYS.—In making'';

(2) by adding at the end the following:

''(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft if the non-Federal share of the project is at least 40 percent.''; and

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

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

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

''(f) DISCRETIONARY USE OF APPORTIONMENTS.—

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

''(2) RESTORATION OF APPORTIONMENTS.—

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

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

''(3) NEWLY AVAILABLE AMOUNTS.—

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

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

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

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

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

(1) in subsection (a)—

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

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

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

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

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

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

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

(3) in subsection (d)—

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

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

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

(4) by adding at the end the following:

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

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

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

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

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

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

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

''(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Secretary, that do not qualify for the contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program').

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

''(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Secretary; and

''(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

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

''(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Secretary has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

''(ii) Air traffic control towers that the Secretary determines have a benefit-to-cost ratio of at least .50.

''(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

''(iv) Air traffic control towers located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

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

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

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

''(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

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

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

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

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

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

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

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

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

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

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

''§ 47135. Innovative financing techniques

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

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

''(c) LIMITATIONS.—

''(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

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

''(A) payment of interest;

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

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

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

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

''47135. Innovative financing techniques.''.

SEC. 133. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

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

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

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

''(f) TECHNICAL ASSISTANCE.—

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

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

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

''(h) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(1) an evaluation of the effectiveness of the pilot program;

''(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

''(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

''(i) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

''(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations and that—

''(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

''(B) are labeled in accordance with section 88.312–93(c) of such title; and

''(C) are located or primarily used at public-use airports;

''(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of nonroad vehicles that—

''(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

''(B) meet or exceed the standards set forth in section 86.1708–99 of such title or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

''(C) are located or primarily used at public-use airports;

''(3) the payment of that portion of the cost of acquiring vehicles described in this subsection that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

''(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).''.

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

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

SEC. 134. AIRPORT SECURITY PROGRAM.

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

''§ 47137. Airport security program

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative aviation security systems and related technology.

''(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

''(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

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

''47137. Airport security program.''.

SEC. 135. TECHNICAL AMENDMENTS.

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

''(3) may permit an eligible agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers enplaned on a flight to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.''; and

(4) by adding at the end the following:

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

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

''(e) CHANGE IN AIRPORT STATUS.—

''(1) CHANGES TO NONPRIMARY AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

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

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

(1) in section 47151—

(A) in subsection (a)—

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

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

(B) in subsection (b)—

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

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

(C) in subsection (c)—

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

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

(2) in section 47152—

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

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

(3) in section 47153(a)(1)—

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

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

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

''47152. Terms of conveyances.''.

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

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

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

SEC. 137. INTERMODAL CONNECTIONS.

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

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

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

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

SEC. 138. STATE BLOCK GRANT PROGRAM.

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

SEC. 139. DESIGN-BUILD CONTRACTING.

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

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

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

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

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

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

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

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

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

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

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

Subtitle C—Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 152. TERMINAL DEVELOPMENT COSTS.

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

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

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

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

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

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

SEC. 153. CONTINUATION OF ILS INVENTORY PROGRAM.

Section 44502(a)(4)(B) is amended—

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

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

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

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

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

SEC. 155. COMPETITION PLANS.

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

(1) Major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

(3) The General Accounting Office has found that such levels of concentration lead to higher air fares.

(4) The United States Government must take every step necessary to reduce those levels of concentration.

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

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

''(f) COMPETITION PLANS.—

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

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

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

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

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

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

''(k) COMPETITION PLANS.—

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

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

(d) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) of title 49, United States Code) where a ''majority-in-interest clause'' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other facilities.

SEC. 156. ALASKA RURAL AVIATION IMPROVEMENT.

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end the following:

''(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.''.

(b) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall continue efforts to develop and implement a ''mike-in-hand'' weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

SEC. 157. USE OF RECYCLED MATERIALS.

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

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

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

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

SEC. 158. CONSTRUCTION OF RUNWAYS.

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

SEC. 159. NOTICE OF GRANTS.

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

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

SEC. 160. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator shall evaluate options for improving the quality of information available to the Federal Aviation Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the airport safety data program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

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

Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the timeframe for implementation of such enhancements and improvements.

SEC. 162. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended—

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

(2) by adding at the end the following:

''(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.''.

SEC. 163. CONTINUATION OF REPORTS.

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

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

(2) Section 47103 of such title.

(3) Section 47131 of such title.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

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

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

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

SEC. 202. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

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

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

''§ 41743. Airports not receiving sufficient service

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

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

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

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

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

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

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

''(B) had unreasonably high air fares.

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

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

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

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

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

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

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

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

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

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

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

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

''(e) AUTHORITY TO MAKE AGREEMENTS.—

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

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

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

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

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

''(2) to carry out this section;

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

''(4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

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

''(h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.''.

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

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

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

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

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

''(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, the Secretary may require an air carrier that has more than 60 percent of the total annual enplanements at the essential airport facility to take action to enable another air carrier to provide reliable essential air service to that community. Actions required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

''(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 States at which 1 air carrier has more than 60 percent of the total annual enplanements at that airport.''.

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

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

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

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

SEC. 206. REPORT ON ESSENTIAL AIR SERVICE.

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

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

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

SEC. 207. MARKETING PRACTICES.

(a) REVIEW OF MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

(1) marketing arrangements between airlines and travel agents;

(2) code-sharing partnerships;

(3) computer reservation system displays;

(4) gate arrangements at airports;

(5) exclusive dealing arrangements; and

(6) any other marketing practice that may have the same effect.

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

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

SEC. 208. DEFINITION OF ELIGIBLE PLACE.

Section 41731(a)(1) is amended—

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

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

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

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

(5) by adding at the end the following:

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

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

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

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

''(1) AUTHORIZATION.—Out of'';

(2) by adding at the end the following:

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

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

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

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

SEC. 210. REGIONAL JET SERVICE FOR SMALL COMMUNITIES.

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

''SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

''§ 41761. Purpose

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

''§ 41762. Definitions

''In this subchapter, the following definitions apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) powered by jet propulsion; and

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

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

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

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

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

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

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

''§ 41763. Federal credit instruments

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

''(b) SECURED LOANS.—

''(1) TERMS AND LIMITATIONS.—

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

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

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

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

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

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

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

''(2) REPAYMENT.—

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

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

''(3) PREPAYMENT.—

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

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

''(c) LOAN GUARANTEES.—

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

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

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

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

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

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

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

''(d) LINES OF CREDIT.—

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

''(2) TERMS AND LIMITATIONS.—

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

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

''(B) MAXIMUM AMOUNT.—

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

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

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

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

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

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

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

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

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

''(3) REPAYMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''§ 41764. Use of Federal facilities and assistance

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

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

''(2) on a reimbursable basis.

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

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

''§ 41765. Administrative expenses

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

''§ 41766. Funding.

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

''§ 41767. Termination

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

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

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

''SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

Subtitle B—Airline Customer Service

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

Section 41712 is amended—

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

(1) $2,300,000 for fiscal year 2000;

(2) $2,415,000 for fiscal year 2001;

(3) $2,535,750 for fiscal year 2002; and

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

SEC. 224. AIRLINE CUSTOMER SERVICE REPORTS.

(a) SECRETARY TO REPORT PLANS RECEIVED.—Not later than September 15, 1999, each air carrier that provides scheduled passenger air transportation and that is a member of the Air Transport Association, all of which have entered into the voluntary customer service commitments established by the Association on June 17, 1999 (in this section referred to as the ''Airline Customer Service Commitment''), shall provide a copy of its individual customer service plan to the Secretary. Upon receipt of each individual plan, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of receipt of the plan, together with a copy of the plan.

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

carrier has met its commitments under its plan. The carrier shall provide such information to the Inspector General as may be necessary for the Inspector General to prepare the report required by subsection (c).

(c) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—

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

(B) CONTENTS.—The report shall include a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual air carrier's plans to carry it out. The report shall also include a review of whether each air carrier described in subsection (a) has modified its contract of carriage or conditions of contract to reflect each item of the Airline Customer Service Commitment.

(2) FINAL REPORT; RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than December 31, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the effectiveness of the Airline Customer Service Commitment and the individual air carrier plans to carry it out, including recommendations for improving accountability, enforcement, and consumer protections afforded to commercial air passengers.

(B) SPECIFIC CONTENT.—In the final report under subparagraph (A), the Inspector General shall include the following:

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

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

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

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

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

SEC. 225. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.

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

SEC. 226. COMPTROLLER GENERAL INVESTIGATION.

(a) STUDY.—The Comptroller General shall conduct a study on the potential effects on aviation consumers, including the impact on fares and service to small communities, of a requirement that air carriers permit a ticketed passenger to use any portion of a multiple-stop or round-trip air fare for transportation independent of any other portion without penalty.

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

SEC. 227. AIRLINE SERVICE QUALITY PERFORMANCE REPORTS.

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

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

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

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

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

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

SEC. 228. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

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

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

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

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

(d) MEMBERSHIP.—

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

(A) 3 members appointed by the Secretary.

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

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

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

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

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

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

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

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

(3) TERMS.—Members shall be appointed for the life of the Commission.

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

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

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

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c).

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

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

Subtitle C—Competition

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

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

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

''(i) 60-DAY APPLICATION PROCESS.—

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

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

''(B) the times requested; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) by striking paragraph (2).

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

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

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

(C) by adding at the end the following:

''(5) LIMITED INCUMBENT AIR CARRIER.—The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations; except that—

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

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

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

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

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

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

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

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

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

(2) by inserting after section 41714 the following:

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

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

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

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

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

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

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

''(c) FACTORS TO CONSIDER.—

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

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

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

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

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

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

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

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

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

''(c) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(f) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition by new entrant air carriers or in multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109; and

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

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for providing air transportation to airports that were designated as medium hub or smaller airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

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

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

''(3) to small communities;

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

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

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m. and may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.

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

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

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

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

''(d) APPLICATION PROCESS.—

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

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

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

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

(2) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

''(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41718.''.

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made for use at Ronald Reagan Washington National Airport for fiscal year 2000 or any subsequent fiscal year—

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

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

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

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

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

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Governments of Maryland, Virginia, and West Virginia, and the metropolitan planning organization for Washington, DC, that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

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

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

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

''(B) LaGuardia Airport;

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

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

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

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

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

(j) CONFORMING AMENDMENTS.—

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

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

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

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

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

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

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

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

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

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

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

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

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT.

(a) AVIATION MANAGEMENT ADVISORY COUNCIL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) by adding at the end the following:

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

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

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

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

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(I) ETHICAL CONSIDERATIONS.—

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

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

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

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

''(7) AIR TRAFFIC SERVICES SUBCOMMITTEE.—

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

''(B) GENERAL RESPONSIBILITIES.—

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

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

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

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

''(I) a mission and objectives;

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

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

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

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

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

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

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

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

''(III) plans for training and education.

''(iv) MANAGEMENT.—To—

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

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

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

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

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

''(v) BUDGET.—To—

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

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

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

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

''(D) SUBCOMMITTEE PERSONNEL MATTERS.—

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

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

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

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

''(E) ADMINISTRATIVE MATTERS.—

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

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

''(I) establishing committees;

''(II) setting meeting places and times;

''(III) establishing meeting agendas; and

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

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

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

''(F) REPORTS.—

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

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

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

''(iv) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2003, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Subcommittee in improving the performance of the air traffic control system.

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 303. CHIEF OPERATING OFFICER.

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

''(r) CHIEF OPERATING OFFICER.—

''(1) IN GENERAL.—

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

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

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

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

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

''(2) COMPENSATION.—

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

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

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

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

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

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

''(i) a mission and objectives;

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

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

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

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

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

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

''(iii) training and education.

''(C) BUDGET.—To—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 305. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

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

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

(3) in subclause (I)—

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

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

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

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

SEC. 306. FAILURE TO MEET RULEMAKING DEADLINE.

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

SEC. 307. FAA PERSONNEL AND ACQUISITION MANAGEMENT SYSTEMS.

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

''(g) PERSONNEL MANAGEMENT SYSTEM.—

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

''(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

''(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

''(B) sections 3308–3320, relating to veterans' preference;

''(C) chapter 71, relating to labor-management relations;

''(D) section 7204, relating to antidiscrimination;

''(E) chapter 73, relating to suitability, security, and conduct;

''(F) chapter 81, relating to compensation for work injury;

''(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage; and

''(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.

''(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under paragraph (1), an employee of the Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.

''(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.''.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110 is amended by adding at the end the following:

''(d) ACQUISITION MANAGEMENT SYSTEM.—

''(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement, not later than January 1, 1996, an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

''(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

''(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266).

''(B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

''(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

''(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

''(E) The Competition in Contracting Act.

''(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

''(G) The Brooks Automatic Data Processing Act (40 U.S.C. 759).

''(H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.

''(3) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding paragraph (2)(B), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under paragraph (1) with the following modifications:

''(A) Subsections (f) and (g) shall not apply.

''(B) Within 90 days after the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

''(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

''(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration's personnel management system.

''(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.''.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 106.—Section 106(l)(1) is amended by striking ''section 40122(a) of this title and section 347 of Public Law 104–50'' and inserting ''subsections (a) and (g) of section 40122''.

(2) SECTION 40121.—Section 40121(c)(2) is amended by striking ''section 348(b) of Public Law 104–50'' and inserting ''section 40110(d)(2) of this title''.

(3) FEDERAL AVIATION REAUTHORIZATION ACT OF 1996.—Section 274(b)(6)(A)(ii)(II) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 40101 note) is amended by striking ''sections 347 and 348 of Public Law 104–50'' and inserting ''sections 40110(d) and 40122(g) of title 49, United States Code''.

(d) REPEAL.—Sections 347 and 348 of Public Law 104–50 (109 Stat. 460–461; 49 U.S.C. 106 note; 49 U.S.C. 40110 note) are repealed.

SEC. 308. RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: ''The 60-day period shall not include any period during which Congress has adjourned sine die.''.

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 (as amended by section 307(a) of this Act) is further amended by adding at the end the following:

''(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

''(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

''(j) DEFINITION.—In this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.''.

SEC. 309. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Administration's cost input data, including the reliability of the Administration's source documents and the integrity and reliability of the Administration's data collection process.

(ii) The Administration's system for tracking assets.

(iii) The Administration's bases for establishing asset values and depreciation rates.

(iv) The Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Administration's definition of the services to which the Administration ultimately attributes its costs.

(vi) The cost pools used by the Administration and the rationale for and reliability of the bases which the Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Administration services or activities (called ''common and fixed costs'' in the Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 310. ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS.

(a) STUDY.—The Secretary shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.

(b) CONTENTS.—In conducting the study, the Secretary, at a minimum, shall assess—

(1) the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;

(2) the role of public involvement in the planning and approval of airport improvement projects;

(3) the staffing and other resources associated with conducting such environmental reviews; and

(4) the time line for conducting such environmental reviews.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with the Administrator, the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.

SEC. 311. COST ALLOCATION SYSTEM.

(a) REPORT.—Not later than July 9, 2000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost allocation system currently under development by the Federal Aviation Administration.

(b) CONTENTS.—The report shall include a specific date for completion and implementation of the cost allocation system throughout the Administration and shall also include the timetable and plan for the implementation of a cost management system.

SEC. 312. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator shall report to Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking ''transportation,'' and inserting ''transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,'';

(B) by inserting after ''attorney'' the following: ''(including any associate, agent, employee, or other representative of an attorney)''; and

(C) by striking ''30th day'' and inserting ''45th day''.

(2) ENFORCEMENT.—Section 1151 is amended by inserting ''1136(g)(2),'' before ''or 1155(a)'' each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.''.

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

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

''(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

''(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.''.

(d) STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

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

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

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

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

''(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.''.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

''(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking ''Not later than 6 months after the date of enactment of this section, each air carrier'' and inserting ''Each air carrier''; and

(B) in subsection (c) by striking ''After the date that is 6 months after the date of the enactment of this section, the Secretary'' and inserting ''The Secretary''.

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting '', or in providing information concerning a preliminary passenger manifest,'' before ''pursuant to a plan''.

(c) STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

''(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136.''.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking ''significant'' and inserting ''major''.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

''(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).

SEC. 404. DEATH ON THE HIGH SEAS.

(a) RIGHT OF ACTION IN COMMERCIAL AVIATION ACCIDENTS.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the ''Death on the High Seas Act'') is amended—

(1) by inserting ''(a) subject to subsection (b),'' before ''whenever''; and

(2) by adding at the end the following:

''(b) In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas 12 nautical miles or closer to the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, this Act shall not apply and the rules applicable under Federal, State, and other appropriate law shall apply.''.

(b) COMPENSATION IN COMMERCIAL AVIATION ACCIDENTS.—Section 2 of such Act (46 U.S.C. App. 762) is amended—

(1) by inserting ''(a)'' before ''the recovery''; and

(2) by adding at the end the following:

''(b)(1) If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable. Punitive damages are not recoverable.

''(2) In this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any death occurring after July 16, 1996.

TITLE V—SAFETY

SEC. 501. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712 is amended—

(1) in subsection (b) by striking ''Subsection (a) of this section'' and inserting ''Prior to January 1, 2002, subsection (a)'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

''(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

''(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

''(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

''(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

''(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

''(H) aircraft equipped to carry only one individual.

''(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

''(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

''(B) other safety objectives.

''(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(b) REGULATIONS.—The Secretary shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.

SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

Section 44716 is amended by adding at the end the following:

''(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

''(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

''(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

''(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

''(B) other safety or public interest objectives.

''(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term 'collision avoidance equipment' means equipment that provides protection from mid-air collisions using technology that provides—

''(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

''(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.''.

SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

''(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

''(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

''(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska

and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of enactment of this subsection.''.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;''.

SEC. 504. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44725. Life-limited aircraft parts

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

''(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

''(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

''(2) The part may be permanently marked to indicate its used life status.

''(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

''(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

''(5) Any other method approved by the Administrator.

''(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

''(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

''(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 503(c) of this Act) is further amended by adding at the end the following:

''(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44725. Life-limited aircraft parts.''.

SEC. 505. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44726. Denial and revocation of certificate for counterfeit parts violations

''(a) DENIAL OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of the Federal Aviation Administration may not issue a certificate under this chapter to any person—

''(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

''(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

''(b) REVOCATION OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

''(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

''(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

''(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

''(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

''(1) advise the holder of the certificate of the reason for the revocation; and

''(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

''(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, 'person' shall be substituted for 'individual' each place it appears.

''(e) ACQUITTAL OR REVERSAL.—

''(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

''(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

''(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

''(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

''(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

''(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) if—

''(1) a law enforcement official of the United States Government requests a waiver; and

''(2) the waiver will facilitate law enforcement efforts.

''(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

''(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

''(2) the holder satisfies the requirements for the certificate without regard to that individual, then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.''.

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

''44726. Denial and revocation of certificate for counterfeit parts violations.''.

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end the following:

''(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.''.

SEC. 506. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) SHORT TITLE.—This section may be cited as the ''Aircraft Safety Act of 2000''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

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

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, maintained, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including applicable regulations).

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

''(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly and with the intent to defraud—

''(1)(A) falsifies or conceals a material fact concerning any aircraft or space vehicle part;

''(B) makes any materially fraudulent representation concerning any aircraft or space vehicle part; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 15 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365), a fine of not more than $1,000,000, imprisonment for not more than 20 years, or both.

''(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

''(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

''(A) $10,000,000 in the case of an offense described in paragraph (1) or (4); and

''(B) $20,000,000 in the case of an offense described in paragraph (2) or (3).

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person (convicted of an offense under this section) to divest any interest, direct or indirect, in any enterprise used to commit or facilitate the commission of the offense, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall stop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property on the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

''(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

''(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

''(3) an act in furtherance of the offense was committed in the United States.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

SEC. 507. TRANSPORTING OF HAZARDOUS MATERIAL.

Section 46312 is amended—

(1) by inserting ''(a) GENERAL.—'' before ''A person''; and

(2) by adding at the end the following:

''(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.''.

SEC. 508. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS.—Section 44936(a)(1)(C) is amended—

(1) in clause (iii) by striking ''or'';

(2) in clause (iv) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(v) the Administrator decides it is necessary to ensure air transportation security with respect to passenger, baggage, or property screening at airports.''.

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting ''(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)'' after ''person'' the first place it appears;

(2) in paragraph (1)(B)(ii) by striking ''individual'' the first place it appears and inserting ''individual's performance as a pilot'';

(3) in paragraph (5) by striking the period at the end of the first sentence and inserting ''; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A).'';

(4) in paragraph (13)—

(A) by striking ''may'' and inserting ''shall''; and

(B) before the semicolon in subparagraph (A)(i) insert ''and disseminated under paragraph (15)'';

(5) in paragraph (14)(B) by inserting ''or from a foreign government or entity that employed the individual'' after ''exists''; and

(6) by adding at the end the following:

''(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.''.

SEC. 509. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

''(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned for not more than 3 years, or both, if that individual—

''(1) knowingly and willfully serves or attempts to serve in any capacity as an airman

operating an aircraft in air transportation without an airman's certificate authorizing the individual to serve in that capacity; or

''(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

''(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

''(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

''(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

''(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

''(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

''(3) TERMS OF IMPRISONMENT.—A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

''46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.''.

SEC. 510. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from enforcement actions for violations of title 14, Code of Federal Regulations, (other than criminal or deliberate acts) that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.

SEC. 511. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 (as amended by section 509 of this Act) is further amended by adding at the end the following:

''§ 46318. Interference with cabin or flight crew

''(a) GENERAL RULE.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

''(b) COMPROMISE AND SETOFF.—

''(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

''(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is further amended by adding at the end the following:

''46318. Interference with cabin or flight crew.''.

SEC. 512. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

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

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in such section.

(3) PROGRAM.—The term ''program'' means the program established under subsection (b)(1)(A).

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—The Attorney General may—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program.

(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

(A) the United States Government (including the Administrator or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

(A) be considered to be an employee of the United States Government; or

(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.

SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM.

(a) REPORT.—Not later than August 1, 2000, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).

SEC. 514. RUNWAY SAFETY AREAS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by section 122 of this Act) is further amended by adding at the end the following:

''(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular.''.

(b) SOLICITATION OF COMMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall solicit comments on the need for the improvement of runway safety areas through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

(c) GRANTS FOR ENGINEERED MATERIALS ARRESTING SYSTEMS.—In making grants under section 47104 of title 49, United States Code, for engineered materials arresting systems, the Secretary shall require the sponsor to demonstrate that the effects of jet blasts have been adequately considered.

(d) GRANTS FOR RUNWAY REHABILITATION.—In any case in which an airport's runways are constrained by physical conditions, the Secretary shall consider alternative means for ensuring runway safety (other than a safety overrun area) when prescribing conditions for grants for runway rehabilitation.

SEC. 515. PRECISION APPROACH PATH INDICATORS.

Not later than 6 months after the date of enactment of this Act, the Administrator shall solicit comments on the need for the installation of precision approach path indicators.

SEC. 516. AIRCRAFT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

(b) CONTENTS.—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

SEC. 518. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking ''subchapter II of chapter 421'' and inserting ''subchapter II or III of chapter 421''.

SEC. 520. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 601. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

SEC. 602. TRANSFER OF OFFICE, PERSONNEL, AND FUNDS.

(a) TRANSFER OF OFFICE.—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) OTHER TRANSFERS.—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.

SEC. 603. AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 44721 is amended to read as follows:

''§44721. Aeronautical charts and related products and services

''(a) PUBLICATION.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

''(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

''(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

''(1) prescribed by the Administrator;

''(2) depicted accurately on the map or chart; and

''(3) not obviously defective or deficient.

''(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

''(1) Sections 1 through 9 of the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947, (33 U.S.C. 883a–883h).

''(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

''(3) Section 1307 of title 44, United States Code.

''(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 note).

''(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

''(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

''(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

''(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

''(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

''(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

''(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

''(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

''(f) SPECIAL SERVICES AND PRODUCTS.—

''(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

''(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

''(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

''(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

''(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

''(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

''(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

''(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

''(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

''(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

''(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

''(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

''(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.''.

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 447 is amended by striking the item relating to section 44721 and inserting the following:

''44721. Aeronautical charts and related products and services.''.

SEC. 604. SAVINGS PROVISION.

(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title; and

(2) are in effect on the date of transfer,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.

SEC. 605. NATIONAL OCEAN SURVEY.

(a) CHARTS AND PUBLICATIONS.—Section 2 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947 (33 U.S.C. 883b), is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking ''charts of the United States, its Territories, and possessions;'' in paragraph (3), as redesignated, and inserting ''charts;''; and

(3) by striking ''publications for the United States, its Territories, and possessions'' in paragraph (4), as redesignated, and inserting ''publications''.

(b) COOPERATIVE AND OTHER AGREEMENTS.—Section 5(1) of such Act (33 U.S.C. 883e(1)) is amended—

(1) by striking ''cooperative agreements'' and inserting ''cooperative agreements, or any other agreements,''; and

(2) in paragraph (2) by striking ''cooperative''.

SEC. 606. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) IN GENERAL.—Section 1307 of title 44, United States Code, is amended—

(1) in the section heading by striking ''***and aeronautical***''; and

(2) by striking ''and aeronautical'' and ''or aeronautical'' each place they appear.

(b) PRICES.—Section 1307(a)(2)(B) of such title is amended by striking ''aviation and''.

(c) FEES.—Section 1307(d) of such title 44 is amended by striking ''aeronautical and''.

(d) CONFORMING AMENDMENT.—The analysis for chapter 13 of title 44, United States Code, is amended in the item relating to section 1307 by striking ''and aeronautical''.

SEC. 607. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking ''40113(a), (c), and (d),'' and all that follows through ''45302–45304,'' and inserting ''40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

SEC. 702. PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(37) is amended to read as follows:

''(37) 'public aircraft' means any of the following:

''(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

''(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

''(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

''(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

''(E) An aircraft owned or operated by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(c).''.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

''§ 40125. Qualifications for public aircraft status

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

''(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

''(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

''(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

''(A) operated by the armed forces or an intelligence agency of the United States Government; or

''(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

''(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10.

''(b) AIRCRAFT OWNED BY GOVERNMENTS.—An aircraft described in subparagraph (A), (B), (C), or (D) of section 40102(a)(37) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified noncrewmember.

''(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—

''(1) IN GENERAL.—Subject to paragraph (2), an aircraft described in section 40102(a)(37)(E) qualifies as a public aircraft if—

''(A) the aircraft is operated in accordance with title 10;

''(B) the aircraft is operated in the performance of a governmental function under titles 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

''(C) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

''(2) LIMITATION.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40125. Qualifications for public aircraft status.''.

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 (as amended by section 307(b) of this Act) is further amended by adding at the end the following:

''(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

''(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

''(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.''.

SEC. 704. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

(a) IN GENERAL.—The Administrator may carry out a pilot program in fiscal years 2001 through 2003 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities.

(b) PERIOD OF CONTRACTS.—Notwithstanding any other provision of law, the Administrator may enter into a contract under the program to lease aviation equipment or facilities for a period of greater than 5 years.

(c) NUMBER OF CONTRACTS.—The Administrator may not enter into more that 10 contracts under the program.

(d) TYPES OF CONTRACTS.—The contracts to be evaluated under the program may include contracts for telecommunication services that are provided through the use of a satellite, requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 705. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) IN GENERAL.—Chapter 401 (as amended by section 702(b) of this Act) is further amended by adding at the end the following:

''§ 40126. Severable services contracts for periods crossing fiscal years

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

''(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40126. Severable services contracts for periods crossing fiscal years.''.

SEC. 706. PROHIBITIONS ON DISCRIMINATION.

(a) IN GENERAL.—Chapter 401 (as amended by section 705 of this Act) is further amended by adding at the end the following:

''§ 40127. Prohibitions on discrimination

''(a) PERSONS IN AIR TRANSPORTATION.—An air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.

''(b) USE OF PRIVATE AIRPORTS.—Notwithstanding any other provision of law, no State or local government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, color, national origin, religion, sex, or ancestry.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

''40127. Prohibitions on discrimination.''.

SEC. 707. DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—Section 41705 is amended—

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

(2) by striking ''carrier'' and inserting ''carrier, including (subject to section 40105(b)) any foreign air carrier,''; and

(3) by adding at the end the following:

''(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—For purposes of section 46301(a)(3)(E), a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

''(c) INVESTIGATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Secretary shall investigate each complaint of a violation of subsection (a).

''(2) PUBLICATION OF DATA.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

''(3) REVIEW AND REPORT.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

''(4) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

''(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

''(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 504(b) of this Act) is further amended by adding at the end the following:

''(E) a violation of section 41705, relating to discrimination against handicapped individuals.''.

(c) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.

SEC. 708. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Section 41706 is amended to read as follows:

''§ 41706. Prohibitions against smoking on scheduled flights

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.

''(c) LIMITATION ON APPLICABILITY.—

''(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

''(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 709. JOINT VENTURE AGREEMENT.

Section 41720, as redesignated by section 231(b)(1) of this Act, is amended by striking ''an agreement entered into by a major air carrier'' and inserting ''an agreement between 2 or more major air carriers''.

SEC. 710. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by section 231(b) of this Act) is further amended by adding at the end the following:

''§ 41721. Reports by carriers on incidents involving animals during air transport

''(a) IN GENERAL.—An air carrier that provides scheduled passenger air transportation shall submit monthly to the Secretary a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier. The report shall be in

such form and contain such information as the Secretary determines appropriate.

''(b) TRAINING OF AIR CARRIER EMPLOYEES.—The Secretary shall work with air carriers to improve the training of employees with respect to the air transport of animals and the notification of passengers of the conditions under which the air transport of animals is conducted.

''(c) SHARING OF INFORMATION.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding to ensure the sharing of information that the Secretary receives under subsection (a).

''(d) PUBLICATION OF DATA.—The Secretary shall publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport in a manner comparable to other consumer complaint and incident data.

''(e) AIR TRANSPORT.—For purposes of this section, the air transport of an animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.''.

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

''41721. Reports by carriers on incidents involving animals during air transportation.''.

SEC. 711. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking ''after'' and all that follows and inserting ''after December 31, 2003.''.

SEC. 712. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is amended by adding at the end the following:

''(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

''(A) the improvements primarily benefit the Government;

''(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

''(C) the interest of the United States Government in the improvements is protected.''.

SEC. 713. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

''§ 44516. Human factors program

''(a) HUMAN FACTORS TRAINING.—

''(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration shall—

''(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

''(B) respond to the recommendations made by the National Research Council.

''(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

''(A) in recovering from loss of control of an aircraft, including handling unusual attitudes and mechanical malfunctions;

''(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

''(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

''(D) in landing and approaches, including nonprecision approaches and go-around procedures.

''(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

''(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section.

''(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of parts 121 and 135 of title 14, Code of Federal Regulations.''.

(b) AUTOMATION AND ASSOCIATED TRAINING.—Not later than 12 months after the date of enactment of this Act, the Administrator shall complete updating training practices for flight deck automation and associated training requirements.

(c) CONFORMING AMENDMENT.—The analysis for chapter 445 is further amended by adding at the end the following:

''44516. Human factors program.''.

SEC. 714. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

''(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

''(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

''(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

''(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

''(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.''.

SEC. 715. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PUBLIC INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

''(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

''(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a 1-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.''.

SEC. 716. REVIEW PROCESS FOR EMERGENCY ORDERS.

Section 44709(e) is amended to read as follows:

''(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

''(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

''(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

''(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.''.

SEC. 717. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety.

Such consortia shall not be considered Federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 718. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

SEC. 719. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.''; and

(2) by adding at the end the following:

''(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.''.

SEC. 720. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking ''46302, 46303, or'';

(2) in subsection (d)(7)(A) by striking ''an individual'' the first place it appears and inserting ''a person''; and

(3) in subsection (g) by inserting ''or the Administrator'' after ''Secretary''.

SEC. 721. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) REPEAL.—Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) in subsection (a) by striking ''subsection (b)'' and inserting ''subsection (b) or (f)'';

(2) in subsection (e) by adding at the end the following:

''(4) An air carrier operating stage 2 aircraft under this subsection may transport stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order—

''(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''; and

(3) by adding at the end the following:

''(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

''(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

''(A) sell, lease, or use the aircraft outside the contiguous 48 States;

''(B) scrap the aircraft;

''(C) obtain modifications to the aircraft to meet stage 3 noise levels;

''(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

''(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

''(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

''(2) PROCEDURE TO BE PUBLISHED.—Not later than 30 days after the date of enactment of this subsection, the Secretary shall establish and publish a procedure to implement paragraph (1) through the use of categorical waivers, ferry permits, or other means.

''(g) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.''.

(c) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) is amended by inserting ''(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)'' after ''civil subsonic turbojet''.

(2) REGULATIONS.—Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) on the date of enactment of this Act.

(d) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended—

(1) in the first sentence by inserting ''or foreign air carrier'' after ''air carrier''; and

(2) by inserting after ''January 1, 1999,'' the following: ''or, in the case of a foreign air carrier, the 15th day following the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century''.

SEC. 722. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by inserting ''(a) GENERAL RULE.—'' before ''Not later'';

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

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

''(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).''.

SEC. 723. CHARTER AIRLINES.

Section 41104 is amended—

(1) by redesignating subsections (b) and (c) as (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) SCHEDULED OPERATIONS.—

''(1) IN GENERAL.—An air carrier, including an indirect air carrier, which operates aircraft designed for more than 9 passenger seats, may not provide regularly scheduled charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights to or from an airport that is not located in Alaska and that does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations).

''(2) DEFINITION.—In this paragraph, the term 'regularly scheduled charter air transportation' does not include operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative.''.

SEC. 724. CREDIT FOR EMERGENCY SERVICES PROVIDED.

(a) STUDY.—The Administrator shall conduct a study of the appropriateness of allowing an airport that agrees to provide services to the Federal Emergency Management Agency or to a State or local agency in the event of an emergency a credit of the value of such services against the airport's local share under the airport improvement program.

(b) NOTIFICATION.—The Administrator shall notify nonhub and general aviation airports that the Administrator is conducting the study under subsection (a) and give them an opportunity to explain how the credit described in subsection (a) would benefit such airports.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a). The report shall identify, at a minimum, the airports that would be affected by providing the credit described in subsection (a), explain what sort of emergencies could qualify for such credit, and explain how the costs would be quantified to determine the credit against the local share.

SEC. 725. PASSENGER CABIN AIR QUALITY.

(a) STUDY OF AIR QUALITY IN PASSENGER CABINS IN COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall arrange for and provide necessary data to the National Academy of Sciences to conduct a 12-month, independent study of air quality in passenger cabins of aircraft used in air transportation and foreign air transportation, including the collection of new data, in coordination with the Federal Aviation Administration, to identify contaminants in the aircraft air and develop recommendations for means of reducing such contaminants.

(2) ALTERNATIVE AIR SUPPLY.—The study should examine whether contaminants would be reduced by the replacement of engine and auxiliary power unit bleed air with an alternative supply of air for the aircraft passengers and crew.

(3) SCOPE.—The study shall include an assessment and quantitative analysis of each of the following:

(A) Contaminants of concern, as determined by the National Academy of Sciences.

(B) The systems of air supply on aircraft, including the identification of means by which contaminants may enter such systems.

(C) The toxicological and health effects of the contaminants of concern, their byproducts, and the products of their degradation.

(D) Any contaminant used in the maintenance, operation, or treatment of aircraft, if a passenger or a member of the air crew may be directly exposed to the contaminant.

(E) Actual measurements of the contaminants of concern in the air of passenger cabins during actual flights in air transportation or foreign air transportation, along with comparisons of such measurements to actual measurements taken in public buildings.

(4) PROVISION OF CURRENT DATA.—The Administrator shall collect all data of the Federal Aviation Administration that is relevant to the study and make the data available to the National Academy of Sciences in order to complete the study.

(b) COLLECTION OF AIRCRAFT AIR QUALITY DATA.—

(1) IN GENERAL.—The Administrator may consider the feasibility of using the flight data recording system on aircraft to monitor and record appropriate data related to air inflow quality, including measurements of the exposure of persons aboard the aircraft to contaminants during normal aircraft operation and during incidents involving air quality problems.

(2) PASSENGER CABINS.—The Administrator may also consider the feasibility of using the flight data recording system to monitor and record data related to the air quality in passengers cabins of aircraft.

SEC. 726. STANDARDS FOR AIRCRAFT AND AIRCRAFT ENGINES TO REDUCE NOISE LEVELS.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) GOALS TO BE CONSIDERED IN DEVELOPING NEW STANDARDS.—In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that—

(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

(5) continue the use of a balanced approach to address aircraft environmental issues, taking into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.

(c) ANNUAL REPORT.—Not later than July 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 727. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Not later than 18 months after the date of enactment of this Act, the Administrator shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level. In conducting the study, the Administrator shall determine whether itinerant general aviation aircraft should be exempt from any such requirement.

SEC. 728. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

(2) 60 days have passed since the report was transmitted to Congress.

SEC. 729. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).

SEC. 730. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2001, the Secretary may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2001.

SEC. 731. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The Department of Airports of the city of Los Angeles may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation, if the Department of Airports can document or provide analysis that granting the easement will benefit the Department of Airports or local airport development to an extent equal to the value of the easement being granted.

SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

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

(1) LETTER OF AUTHORIZATION.—The term ''letter of authorization'' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term ''Alaska guide pilot'' means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.

SEC. 733. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 734. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator—

(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as ''aircraft repair facilities'') located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 9 members appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft repair facilities;

(E) 1 representative of aircraft manufacturers;

(F) 1 representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) 1 representative of regional passenger air carriers;

(2) 1 representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2001.

(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 735. OPERATIONS OF AIR TAXI INDUSTRY.

(a) STUDY.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 736. NATIONAL AIRSPACE REDESIGN.

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

(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

(c) REPORT.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Administrator to carry out this section $12,000,000 for each of fiscal years 2000, 2001, and 2002.

SEC. 737. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 738. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

SEC. 739. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the city of Cincinnati's grant obligations, the Secretary may approve the sale of Cincinnati-Municipal Blue Ash Airport from the city of Cincinnati to the city of Blue Ash upon a finding that the city of Blue Ash meets all applicable requirements for sponsorship and if the city of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the city of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The Secretary and the Administrator are authorized to grant the city of Cincinnati an exemption from the provisions of sections 47107 and 47133 of title 49, United States Code, grant obligations of the city of Cincinnati, and regulations and policies of the Federal Aviation Administration, to the extent necessary to allow the city of Cincinnati to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Cincinnati.

SEC. 740. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY.—

(1) SALE OF AIRCRAFT AND AIRCRAFT PARTS.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may sell, during the period beginning on the date of enactment of this Act and ending September 30, 2002, aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) AIRCRAFT AND AIRCRAFT PARTS THAT MAY BE SOLD.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan; and

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) REGULATIONS.—

(1) ISSUANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value, as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other operators in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall transmit to the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on National Security and Transportation and Infrastructure of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) STATUTORY CONSTRUCTION.—

(1) AUTHORITY OF ADMINISTRATOR.—Nothing in this section may be construed as affecting the

authority of the Administrator under any other provision of law.

(2) CERTIFICATION REQUIREMENTS.—Nothing in this section may be construed to waive, with respect to an aircraft sold under the authority of this section, any requirement to obtain a certificate from the Administrator to operate the aircraft for any purpose (other than oil spill spotting, observation, and dispersant delivery) for which such a certificate is required.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 741. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) by striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

SEC. 742. SPECIALTY METALS CONSORTIUM.

(a) IN GENERAL.—The Administrator may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements.

(b) REPORT.—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium.

SEC. 743. ALKALI SILICA REACTIVITY DISTRESS.

(a) IN GENERAL.—The Administrator may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

(b) AUTHORITY TO MAKE GRANTS.—The Administrator may carry out the study by making a grant to, or entering into a cooperative agreement with, a nonprofit organization for the conduct of all or a part of the study.

(c) REPORT.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study.

SEC. 744. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

''§ 1168. Rolling stock equipment

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

''(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

''§ 1110. Aircraft equipment and vessels

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

''(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

''(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under

the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

SEC. 745. GENERAL ACCOUNTING OFFICE AIRPORT NOISE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on airport noise in the United States.

(b) CONTENTS OF STUDY.—In conducting the study, the Comptroller General shall examine—

(1) the selection of noise measurement methodologies used by the Administrator;

(2) the threshold of noise at which health begins to be affected;

(3) the effectiveness of noise abatement programs at airports located in the United States;

(4) the impacts of aircraft noise on communities, including schools;

(5) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities; and

(6) the items requested to be examined by certain members of the House of Representatives in a letter relating to aircraft noise to the Comptroller General dated April 30, 1999.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 746. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 747. NONMILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) FOCUS.—In conducting the study, the Secretary shall focus on air traffic control procedures to address helicopter noise problems and shall take into account the needs of law enforcement.

(c) CONSIDERATION OF VIEWS.—In conducting the study, the Secretary shall consider the views of representatives of the helicopter industry and organizations with an interest in reducing nonmilitary helicopter noise.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 748. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary may, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 749. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) IN GENERAL.—Notwithstanding the Federal Airport Act (as in effect on October 31, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated October 31, 1956, by which the United States conveyed lands to the county of Yavapai, Arizona, for use by the county for airport purposes.

(b) LIMITATION.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) CONDITION.—The county of Yavapai, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 750. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, PINAL COUNTY, ARIZONA.

(a) IN GENERAL.—Notwithstanding the Federal Airport Act (as in effect on June 3, 1952) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated June 3, 1952, by which the United States conveyed lands to the county of Pinal, Arizona, for use by the county for airport purposes.

(b) LIMITATION.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) CONDITION.—The county of Pinal, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 751. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF REVENUES.—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) CONDITION.—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(e) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 752. FORMER AIRFIELD LANDS, GRANT PARISH, LOUISIANA.

(a) IN GENERAL.—Subject to the requirements of this section, the United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled ''Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana'', dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) CONDITIONS.—Any release under subsection (a) shall be subject to the following conditions:

(1) In leasing or conveying any interest in the land with respect to which releases are granted under subsection (a), the party owning the property after the releases shall receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Any amount so received may be used only for the development, improvement, operation, or maintenance of the airport.

SEC. 753. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to which the release applies—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

(b) CONDITION.—The proceeds of the sale of any property to which a release under subsection (a) applies shall be used for airport purposes.

SEC. 754. IDITAROD AREA SCHOOL DISTRICT.

Notwithstanding any other provision of law (including section 47125 of title 49, United States Code), the Administrator of the Federal Aviation Administration, or the Administrator of General Services, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 755. ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

(a) STUDY.—The Administrator shall conduct a study on the need for an alternative power source for on-board flight data recorders and cockpit voice recorders.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(c) COORDINATION WITH NTSB.—If, before submitting the report, the Administrator determines, after consultation with the National Transportation Safety Board, that the Board is preparing recommendations with respect to the matter to be studied under this section and will issue the recommendations within a reasonable period of time, the Administrator shall transmit to Congress a report containing the Administrator's comments on the Board's recommendations rather than conducting a separate study under this section.

SEC. 756. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

The Administrator shall develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for visual flight rule air traffic control towers.

SEC. 757. STREAMLINING SEAT AND RESTRAINT SYSTEM CERTIFICATION PROCESS AND DYNAMIC TESTING REQUIREMENTS.

(a) WORKING GROUPS.—Not later than 3 months after the date of enactment of this Act, the Administrator shall form a working group comprised of both government and industry representatives to make recommendations for streamlining the seat and restraint system certification process and the 16g dynamic testing requirements under part 25 of title 14, Code of Federal Regulations, to focus on reducing both the cost and the length of time associated with certification of aircraft seats and restraints.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the working group.

SEC. 758. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.

(a) DEFINITION.—The term ''Brandywine Intercept'' means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware, serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14, Code of Federal Regulations, required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

SEC. 759. POST FREE FLIGHT PHASE I ACTIVITIES.

Not later than August 1, 2000, the Administrator shall transmit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

SEC. 760. SENSE OF CONGRESS REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of Congress that with the World Radio Communication Conference scheduled to begin in May 2000 and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration, working with appropriate Federal agencies and departments, should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

SEC. 761. LAND EXCHANGES, FORT RICHARDSON AND ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior and the Secretaries of the Army, Air Force, or such other military departments as may be necessary and appropriate may convey to the Alaska Railroad Corporation for purposes of track realignment all right, title, and interest of the United States in and to approximately 227 acres of land located on Fort Richardson and on Elmendorf Air Force Base, Alaska, in the vicinity of, and in exchange for all right, title and interest of the Alaska Railroad Corporation in, approximately 229 acres of railroad right-of-way located between railroad mileposts 117 and 129.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to each Secretary. The cost of the surveys shall be borne by the Alaska Railroad Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—Each Secretary may require as to the real property under his jurisdiction such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. The interest conveyed by the Alaska Railroad Corporation to the United States under subsection (a) shall be the full title and interest received by the Corporation under the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The individual parcels of real property conveyed to the United States under this section shall be incorporated into the appropriate land withdrawals for the military installation in which they are situated or which surround them. The interest conveyed to the Corporation by each Secretary under subsection (a) shall be subject to the same reservations and limitations under the Alaska Railroad Transfer Act of 1982 as are currently applicable to the right-of-way for which the land is being exchanged.

(d) SAVINGS CLAUSE.—Nothing in this section affects the duties, responsibilities, and liability of the Federal Government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) concerning any lands exchanged under this section.

SEC. 762. BILATERAL RELATIONSHIP.

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

(1) The current agreement between the United States and the United Kingdom for operating rights between the 2 countries, known as Bermuda II, is one of the most restrictive bilateral agreements the United States has with a developed aviation power that provides substantially greater opportunities and has resulted in a disproportionate market share in favor of United Kingdom carriers over United States carriers.

(2) The United States has attempted in good faith to negotiate a new bilateral agreement, but the United Kingdom has been unwilling to accept or introduce reasonable proposals for a new agreement.

(3) Because of the United Kingdom's unwillingness to accept reasonable proposals advanced by the United States, the latest rounds of negotiations between the United States and the United Kingdom for new operating rights have failed to produce an agreement between the 2 countries.

(4) The Secretary has the discretionary authority to revoke the exemption held by British carriers to operate the Concorde aircraft into the United States.

(b) CONSIDERATION OF EXERCISING AUTHORITY.—The Secretary should immediately consider whether exercise of his authority to revoke

the Concorde exemption would be an appropriate and effective response to the present unsatisfactory situation.

(c) CONSIDERATION OF OTHER REMEDIES.—The Secretary should immediately consider whether it would be effective and appropriate to execute other remedies available to the United States Government, including—

(1) revoking all slots and slot exemptions held by British air carriers at all United States slot-restricted airports;

(2) rescinding current exemptions or permits under the Bermuda II bilateral to prohibit flights by British carriers to the United States; or

(3) renunciation of the current Bermuda II bilateral.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Parks Air Tour Management Act of 2000''.

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 (as amended by section 706(a) of this Act) is further amended by adding at the end the following:

''§ 40128. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any applicable air tour management plan for the park or tribal lands.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the person submitting the proposal or pilots employed by the person;

''(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

''(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the person submitting the proposal;

''(v) any training programs for pilots provided by the person submitting the proposal; and

''(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

''(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

''(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations if—

''(A) such activity is permitted under part 119 of such title;

''(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

''(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may prohibit commercial air tour operations in whole or in part;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

''(C) shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park;

''(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

''(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

''(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

''(A) hold at least one public meeting with interested parties to develop the air tour management plan;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

''(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

''(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request

for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of enactment of this section; or

''(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

''(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

''(G) shall promote safe commercial air tour operations;

''(H) shall promote the adoption of quiet technology, as appropriate; and

''(I) shall allow for modifications of the interim operating authority based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(3) NEW ENTRANT AIR TOUR OPERATORS.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.

''(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

''(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of this section.

''(d) EXEMPTIONS.—This section shall not apply to—

''(1) the Grand Canyon National Park; or

''(2) tribal lands within or abutting the Grand Canyon National Park.

''(e) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

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

''(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

''(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

''(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

''(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

''(4) COMMERCIAL AIR TOUR OPERATION.—

''(A) IN GENERAL.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

''(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

''(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider—

''(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

''(iii) the area of operation;

''(iv) the frequency of flights conducted by the person offering the flight;

''(v) the route of flight;

''(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

''(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

''(viii) any other factors that the Administrator and the Director consider appropriate.

''(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

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

''(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 (as amended by section 706(b) of this Act) is further amended by adding at the end the following:

''40128. Overflights of national parks.''.

(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(1) regulations issued by the Secretary of Transportation and the Administrator under section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note), and

(2) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of enactment of this Act, the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40126(e)(4) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) tours of the Grand Canyon originating in Clark County, Nevada; and

(2) ''local loop'' tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona,

provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of enactment of this Act that meets the requirements designated under subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act shall be construed to relieve or diminish—

(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 (16 U.S.C. 1a–1 note) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

SEC. 805. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour operation may be conducted in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code.

SEC. 807. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 809. ALASKA EXEMPTION.

The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

''(6) for fiscal year 2000, $224,000,000, including—

''(A) $17,269,000 for system development and infrastructure projects and activities;

''(B) $33,042,500 for capacity and air traffic management technology projects and activities;

''(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

''(D) $19,300,000 for weather projects and activities;

''(E) $6,358,200 for airport technology projects and activities;

''(F) $44,457,000 for aircraft safety technology projects and activities;

''(G) $53,218,000 for system security technology projects and activities;

''(H) $26,207,000 for human factors and aviation medicine projects and activities;

''(I) $3,481,000 for environment and energy projects and activities; and

''(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h);

''(7) for fiscal year 2001, $237,000,000; and

''(8) for fiscal year 2002, $249,000,000.''.

SEC. 902. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

''(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;''

(C) by striking the period at the end of clause (v) (as so redesignated) and inserting in lieu thereof ''; and''; and

(D) by adding at the end the following:

''(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.''; and

(2) in paragraph (3) by inserting ''The report shall be prepared in accordance with requirements of section 1116 of title 31.'' after ''effect for the prior fiscal year.''.

(b) REQUIREMENT.—Not later than October 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

SEC. 903. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 904. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

SEC. 905. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 906. EVALUATION OF RESEARCH FUNDING TECHNIQUES.

(a) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences and representatives of airports, shall evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program to the research needs of airports.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the evaluation conducted under this section.

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

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 1998'' and inserting ''October 1, 2003''; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: ''or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act, Public Law 106–59, or the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century''.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

''(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund

on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.''.

And the Senate agree to the same.

BUD SHUSTER,
DON YOUNG,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
THOMAS W. EWING,
STEPHEN HORN,
JACK QUINN,
VERNON J. EHLERS,
CHARLES F. BASS,
EDWARD A. PEASE,
JOHN E. SWEENEY,
JAMES L. OBERSTAR,
NICK RAHALL,
WILLIAM O. LIPINSKI,
PETER DEFAZIO,
JERRY F. COSTELLO,
PAT DANNER,
EDDIE BERNICE JOHNSON,
JUANITA MILLENDER-MCDONALD,

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

CONNIE MORELLA,
RALPH M. HALL,

Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
CONRAD BURNS,
SLADE GORTON,
TRENT LOTT,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,

From the Committee on the Budget:

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
KENT CONRAD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

House Bill

Section 1: Aviation Investment and Reform Act for the 21st Century

Senate Amendment

Section 1(a): Air Transportation Improvement Act.

Conference Substitute

Section 1: Wendell H. Ford Aviation Investment and Reform Act for the 21st Century

2. LENGTH OF AUTHORIZATION

House Bill

The remainder of 1999 plus 5 years.

Senate Amendment

The rest of 1999 plus 2000, 2001, 2002.

Conference Substitute

Except for research title, the length of the authorization is 4 years—2000 through 2003.

3. AIP AUTHORIZATION

House Bill

Section 101: $2.41 billion in FY 99, $2.475 billion in FY 2000, $4 billion in 2001, $4.1 billion in 2002, $4.25 billion in 2003, $4.35 billion in 2004. Amends section 47104(c) in order to continue program.

Senate Amendment

Section 103: FY2000–$2.475 billion, FY2001–$2.410 billion, FY2002–$2.410 billion.

Also amends sections 47104(c) to allow DOT to make grants.

Conference Substitute

Section 101 of the conference substitute: $2.475 in 2000, $3.2 billion in 2001 increasing $100 million each year thereafter. Amends section 47104(c). Subsection (c) allows the FAA's operations account to be reimbursed from the AIP program for money spent to operate the airport office.

4. F & E AUTHORIZATION

House Bill

Section 102: Such sums as may be necessary in fiscal year 2000. $2.5 billion in fiscal year 2001. $3 billion in fiscal year 2002. $3 billion in fiscal year 2003. $3 billion in fiscal year 2004.

Senate Amendment

Section 102: FY1999–$2.131 billion, FY2000–$2.689 billion, FY2001–$2.799 billion, FY2002–$2.914 billion. Requires the establishment of life cycle cost estimates of ATC modernization projects where life cycle cost estimate equals or exceeds $50 million.

Conference Substitute

Section 102: Senate amounts in 2000, $2.66 billion in 2001, $2.914 billion in 2002, and $2.981 billion in 2003.

Section 102(e): Life cycle cost estimates from Senate bill.

The managers do not intend that the amounts authorized for fiscal year 2001 through 2003 by section 48101 of Title 49 be used for any programs, projects, or activities that were funded in fiscal year 2000 solely in accounts other than the Facilities and Equipment Account (Treasury identification number 69–8107–0–7–402.

5. UNIVERSAL ACCESS SYSTEMS (UAS)

House Bill

Section 102(b): Authorizes $8 million for the voluntary purchase and installation of UAS.

Senate Amendment

No Provision.

Conference Substitute

Section 102(b). Same as House bill. FAA is directed to work with organizations representing airports and airline pilots to rapidly deploy the continuously-updated data needed on approved flight crew members that will allow universal access systems to properly operate. Existing systems that currently deliver data and other information to airport computer systems should be used if they will achieve rapid deployment and provide the best cost, benefit, and security of standard data. The FAA should partner with industry to develop the universal data and standards needed to make such security systems quickly available, and utilize digital networks that are designed for airport sponsors and therefore maximize the incentives to deploy universal security systems on a voluntary basis.

6. ALASKA NATIONAL AIRSPACE INTER-FACILITY COMMUNICATIONS SYSTEM (ANICS)

House Bill

Section 102(c): Authorizes $7.2 million from the F&E account for this system.

ANICS is an Air Traffic Satellite Network that provides a state-of-the-art-inter-facility communications system for the Federal Aviation Administration (FAA) Alaska region. The network consists of four hub earth stations and up to 160 remote sites located throughout Alaska. Capable of providing critical air traffic control and safety in one of the harshest environments on earth, ANICS replaces an aging legacy system that is expensive to operate, limited in range, subject to failure, and lacking an existing backup.

Senate Amendment

No Provision.

Conference Substitute

Section 102(c). Same as House bill.

7. AUTOMATED SURFACE OBSERVATION SYSTEM & AUTOMATED WEATHER OBSERVING SYSTEM

House Bill

Section 102(d): Authorizes such sums as may be necessary from the F&E account for upgrades to these systems if the upgrade is successfully demonstrated.

Section 740: Directs FAA to contract with National Academy of Sciences (NAS) to study the effectiveness of automated weather forecasting systems at flight service stations where there is no human weather observer.

Senate Amendment

Section 106: Prohibits FAA from terminating human weather observers for ASOS stations until 60 days after DOT determines that the system provides consistent reporting of changing weather and notifies Congress in writing of that determination.

Section 446: Authorizes such sums as may be necessary out of F&E account for upgrades to AWOS/ASOS systems, if the upgrade is successfully demonstrated.

No provision on NAS study.

Conference Substitute

Sections 102(d) and 728: Senate.

8. FAA OPERATIONS AUTHORIZATION

House Bill

Section 103: Authorizes such sums as may be necessary in 2000. $6.45 billion in fiscal year 2001. $6.886 billion in fiscal year 2002. $7.357 billion in fiscal year 2003. $7.86 billion in fiscal year 2004.

Senate Amendment

Section 101: FY1999—$5.632 billion, FY2000—$5.784 billion, at least $9.1 million of which shall be used to support air safety efforts through payment of U.S. membership

obligations. FY2001—$6.073 billion. FY2002—$6.377 billion.

Conference Substitute

Section 103: $6.6 billion in 2001 and the House Operations authorization levels in subsequent years with Senate $9.1 million payment for ICAO from Senate bill.

9. WILDLIFE HAZARD MITIGATION

House Bill

Section 103(a)(2)(A): Authorizes $450,000 per year from the Operations account for wildlife hazard mitigation measures and management of FAA wildlife strike database.

Senate Amendment

Section 101: Same provision.

Conference Substitute

Section 103(a): House & Senate.

10. UNIVERSITY CONSORTIUM

House Bill

Authorizes $2 million per year from the operations account for a university consortium to provide an air safety and security certificate management program except that the money may not be used to construct a building and must be awarded competitively.

Senate Amendment

Section 101: Authorizes $9.1 million for 3 fiscal years (starting with FY2000) for the same purpose and with the same restrictions.

Conference Substitute

Section 103(a): Senate provision, beginning in 2001.

11. GENERAL AVIATION & TILT-ROTOR AIRCRAFT

House Bill

Section 103(a)(3): Subparagraph (B) authorizes a general aviation and vertical flight office in FAA. Subparagraph (C) authorizes such sums to revise air traffic control procedures to accommodate tilt-rotor aircraft.

Senate Amendment

No Provision.

Conference Substitute

Section 103(a): Revise subparagraph (B) of House bill, now Subparagraph (C), to read: Such sums as may be necessary to support infrastructure systems development for both general aviation and the vertical flight industry. Section 103(a): House Subparagraph (C).

12. RUNWAY INCURSIONS

House Bill

Section 103(a)(2)(E): Authorizes $3 million per year to implement the 1998 airport surface operations safety plan.

Section 121 makes runway incursion prevention devices eligible for AIP grants and directs that these devices be considered safety devices for the purposes of funding priorities.

Senate Amendment

Section 205(m): Specifies that ''integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' are considered safety devices for purposes of airport development, making them AIP eligible.

Conference Substitute

Section 103(a): House provision but authorizes $3.3 million in 2000 & $3 million thereafter.

Section 121: Runway incursion devices as in House and Senate bills.

13. EMERGENCY MEDICAL SERVICE (EMS)

House Bill

Section 103(a)(2)(D): Authorizes such sums as may be necessary for a helicopter infrastructure to accommodate EMS flights to hospitals.

Senate Amendment

No Provision.

Conference Substitute

Section 103(a). Same as House bill.

14. AIR CARGO SECURITY

House Bill

Section 103(a): Authorizes such sums as may be necessary to hire additional inspectors to enhance air cargo security.

Senate Amendment

No provision.

Conference Substitute

House.

15. SECURITY SCREENERS

House Bill

Section 103(a)(2)(G): Authorizes such sums as may be necessary to develop or improve training programs for security screeners at airports.

Senate Amendment

No provision.

Conference Substitute

Section 103(a): House bill but with revised language.

16. OFFICE OF AIRLINE INFORMATION

House bill

Section 103(d): Authorizes $4 million per year from the Trust fund beginning in fiscal year 2001 to fund the Office of Airline Information in DOT's Bureau of Transportation Statistics.

Senate Amendment

No provision.

Conference Substitute

Section 103(b): House.

17. FLOOR AND CAP ON AIP DISCRETIONARY FUND

House Bill

Section 104(a): Eliminates cap on discretionary fund. Floor would be the amount needed to ensure letters of intent are funded.

Senate Amendment

Section 201: Eliminates $300 mil cap on discretionary fund.

Conference Substitute

No provision. The cap on the discretionary fund was eliminated by section 5 of Public Law 106–6, 113 Stat. 10.

18. ENTITLEMENT FORMULA

House Bill

Section 104(b): Beginning in fiscal year 2001, triples primary airport entitlement, triples the $500,000 minimum entitlement, and eliminates the $22 million entitlement cap.

Senate Amendment

Section 205(i): Increases the minimum entitlement from $500,000 to $650,000 beginning in FY2000.

Conference Substitute

Section 104: In any fiscal year in which the amounts actually available for AIP are at least $3.2 billion, the minimum entitlement for primary airports is increased to $1 million, all other entitlements for primary airports are doubled and the primary airport entitlement cap is raised to $26 million. If the amount actually made available for AIP were less than $3.2 billion, the Senate provision (increasing the minimum entitlement to $650,000) would apply, for that fiscal year.

19. ENTITLEMENT FOR PRIMARY AIRPORTS THAT HAD EXPERIENCED A TEMPORARY BUT SIGNIFICANT INTERRUPTION IN AIR SERVICE

House Bill

Section 104(b)(2): FAA shall allow these primary airports to get their previous year entitlement if the interruption in air service there caused passenger traffic to fall below 10,000.

Senate Amendment

Section 205(k): Similar provision. Uses ''may'' rather than ''shall.'' Interruptions due to ''an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''

Conference Substitute

Senate.

20. ENTITLEMENT FOR NEW AIRPORTS

House Bill

Section 104(b)(2): Allows new primary airports to get at least the minimum entitlement.

Senate Amendment

No provision.

Conference Substitute

House. Section 104(a).

21. CARGO AIRPORTS

House Bill

Section 104(c): Increases the cargo airport entitlement from 2.5% to 3% of AIP.

Senate Amendment

Section 205(j): Same entitlement increase. Removes the 8-percent limitation on the amount that any one airport can receive from the cargo apportionment.

Conference Substitute

Section 104(b): Senate except the 8% limitation is removed only in years when the amount available for AIP is at least $3.2 billion.

22. STATE ENTITLEMENT

House Bill

Section 104(d): Increased from 18.5% to 20% beginning in fiscal year 2001 with corresponding changes in the portion going to the territories and possessions. Provides an annual entitlement for each general aviation that is equal to ⅕ of the 5-year cost estimate for airport improvements for that airport as listed in the NPIAS, to a maximum of $200,000 per year.

Senate Amendment

No provision.

Conference Substitute

Section 104(c): No change in existing law except in those years when the amount available for AIP is at least $3.2 billion. In those cases, the House entitlement provision is adopted but the maximum entitlement for general aviation airports is reduced to $150,000.

23. ALASKA, PUERTO RICO, HAWAII

House Bill

Section 104(e): Allows state entitlement money to be used at any public airport in those states, not just general aviation airports.

Senate Amendment

Section 205(a): Same provision.

Conference Substitute

Section 104(c). House and Senate.

24. AIRFIELD PAVEMENT

House Bill

Section 104(g): Allows the use of State highway construction standards for airfield pavement at non-primary airports served by small aircraft (less than 60,000 pounds gross weight) is that will not adversely affect safety or the life of the pavement.

Section 124: Makes pavement maintenance at general aviation and small commercial service airports eligible for AIP grants.

Senate Amendment

Section 205(l): Similar provision except limited to airports with runways that are 5,000 feet or less. An airport taking advantage of this provision cannot apply for AIP funds for runway rehab or reconstruction for 10 years.

Senate section 1306: Directs FAA to consider awards to non-profit research foundations to study airfield pavement.

Conference Substitute

Section 104(c): Senate section 205 but allow an airport taking advantage of this provision to apply and receive an AIP grant if the FAA determines the rehabilitation or reconstruction is necessary for safety.

Section 123: Adopts House section 124.

Section 905: Adopts Senate section 1306.

25. PLANNING

House Bill

Section 104(f): Allows state entitlement money to be used for system planning.

Senate Amendment

No provision.

Conference Substitute

Section 104(c): House.

26. ALASKA

House Bill

Section 104(i): is similar to section 205(b) of the Senate bill and section 104(j) is similar to section 205(c) of the Senate bill. Both make technical changes suggested by FAA. Also, triples the Alaska AIP supplemental entitlement.

Senate Amendment

Section 205(b): In addition to entitlements and state apportionment, clarifies that Alaska is entitled to a ''supplemental'' apportionment (vs. alternative), available to all airports.

Section 205(c): Removes requirement that FAA can't make a grant to an Alaska airport that exceeds 110 percent of the Alaska supplemental apportionment in a given year.

Section 408(d): Permits 12 acres at Lake Minchumina, Alaska to be conveyed to Iditarod Area School District.

Conference Substitute

Section 104(c) and (d): House & Senate.

Section 104(d): Doubles the Alaska supplemental entitlement if the amount available under section 48103 for AIP is at least $3.2 billion.

Section 754: Adopts Senate section 408(d).

27. NOISE

House Bill

Section 104(h): Increases noise set-aside from 31% to 34% of the discretionary fund. Makes noise mitigation projects approved in an environmental record of decision eligible for AIP grants.

Section 157: Allows FAA to make AIP grants for noise abatement even if the noise is caused primarily by military aircraft.

Senate Amendment

Section 204: Increases noise set-aside from the discretionary fund to 35%.

Section 212: If any discretionary money is left over at the end of the year, it could be used for noise abatement activities.

Section 461: Requires EPA study of aircraft noise, to include recommendations for new noise mitigation efforts in communities around airports. Sec. 1103 requires similar study by GAO.

Section 506(e)(2): Requires DOT report 3 years following the use of the first of the new 30 slot exemptions at O'Hare on impact of additional slot exemptions on safety, environment, noise, access to underserved markets, and competition at O'Hare.

Section 506(f)(1): Requires DOT to assess impact of DCA slot exemptions on safety, noise levels, and the environment, to include an environmental assessment with a public meeting.

Section 506(f)(3): For MWAA to get an AIP grant, it must submit written assurance that at least 10 percent of its grants will be used for eligible noise compatibility planning and programs (as long as funds aren't diverted from high priority safety projects). DOT may waive if MWAA in compliance with Part 150 program. Sunsets in 5 years if MWAA in compliance with Part 150 program.

Section 506(f)(4): DOT required to certify biannually that at DCA, noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to small and medium hubs within perimeter have been maintained at appropriate levels.

Section 506(g): Priority for noise set-aside funds given to projects at and around LaGuardia, JFK and DCA.

Section 506(f): Requires DOT study on community noise levels around 4 high density airports, comparing pre-1991 noise levels to noise levels when all Stage 3 requirements are in effect.

Section 1101: DOT required to collect and publish air carrier information regarding carrier's operating practices that encourage pilots to follow FAA guidelines on noise abatement.

Section 1102: Requires GAO report on FAA aircraft engine noise assessment, including recommendations on new measures for FAA to ensure consistent measurement of aircraft engine noise.

Section 1503: Requires DOT study and report to Congress on aspects of transition to Stage 4 noise requirement.

Conference Substitute

Section 104(e): Increases noise set-aside to 34 percent.

Section 154 of conference substitute adopts section 157 from House bill.

Section 745: In lieu of sections 461 and 1103 of the Senate bill, directs GAO to do a study that encompasses the items requested by the House in a letter to GAO on 4/30/99 as well as the items listed in section 461(b) and the second sentence of 1103(a). Study due in one year.

Section 231(e)–(g): Adopts several noise related provisions from the Senate bill involving the four high-density airports.

28. GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER (GAMAR) AIRPORT GRANT FUND

House Bill

No provision.

Senate Amendment

Section 460: DOT required to set up a new apportionment category and set aside 5 percent of AIP grant funds for general aviation metropolitan access and reliever airports, which are defined as airports with annual operations exceeding 75,000, 5,000-feet runways, precision instrument landing procedure, a minimum of 150 based aircraft, and where the air carrier airports experiences at least 20,000 hours of annual delays. The apportionment is distributed to states on a pro rata basis, according to the number of operations at its GAMAR airports.

Conference Substitute

Section 104(f): Set aside two-thirds of 1 percent of the discretionary fund for reliever airports if AIP is at least $3.2 billion in a year. The reliever airports that qualify are the same as those specified in the Senate bill except the minimum number of based aircraft is to be determined by the FAA rather than set at 150 as specified in the Senate bill.

29. REPROGRAMMING

House Bill

No provision.

Seante Amendment

Section 104: DOT shall submit explanation of proposed reprogramming to authorizing Committees when required to submit them to Appropriations Committees.

Conference Substitute

Section 105(a): Senate.

30. BUDGET SUBMISSION

House Bill

Section 106: FAA shall submit its annual budget estimates to the authorizing Committees at the same time it submits them to the Appropriations Committees.

Senate Amendment

Section 906: Requires DOT to submit the FAA-prepared budget request to the President, who then transmits it unchanged to the House and Senate authorizing and appropriating committees, along with the President's own annual budget request for the FAA.

Conference Substitute

No provision as this is already covered by section 48109. However, the Managers expect the submission under that section to include the line item justification called for in the Senate bill.

31. AIP ELIGIBLE ITEMS

House Bill

Sections 122 & 124: Makes emergency call boxes, universal access systems, pavement maintenance at non-primary airports, closed circuit weather surveillance equipment, and windshear detection equipment eligible to be paid for with AIP funds. Directs that the runway incursion prevention devices be considered safety devices for the purposes of funding priorities.

Senate Amendment

No provision.

Conference Substitute

Sections 121, 122 of Conference Substitute: House section 122 to the extent these items are certificated or approved by the FAA, Makes FAA-approved stainless steel adjustable lighting extensions AIP eligible.

Section 139 adds a provision permitting the establishment of a pilot program under which design-build contracts may be used at airports.

If certified by the Administrator, the Conferees urge the Administrator to evaluate the effectiveness of the Light Detection and Ranging Technology (LIDAR) which measures windshear.

The Conferees recognize that airports experience considerable runway downtime during new construction and runway maintenance projects; the Conferees urge the Administrator to evaluate whether or not utilizing stainless steel adjustable lighting-extensions is effective and if it will minimize runway shutdowns.

32. ENHANCED VISION TECHNOLOGIES

House Bill

Section 123: Mandates a FAA study of laser, ultraviolet, infrared, and cold cathode technologies within 180 days. Makes them eligible for AIP funds. Requires FAA to transmit to Congress a certification schedule for them within 180 days.

Senate Amendment

No provision.

Conference Substitute

Section 124: House but with revised language.

33. CONVEYANCES OF AIRPORT PROPERTY

House Bill

Section 136: Gives airports priority for receiving surplus government property. Requires public notice and comment before FAA waives restrictions on the use of airport property. Decision must be published in Federal Register and interests of users must be taken into account. Also changes references to ''gifts''.

Senate Amendment

Section 205(h)(1): Similar provision. Also changes references to ''gifts''.

Section 208: Requires 30 days notice before FAA waives an assurance that property will be used for aeronautical purposes.

Section 408. Rewrites section 47125(a). Authorizes the FAA to waive deed restrictions

on airport property if the property is not needed for airport purposes, the property will be used solely to generate revenue for the airport, the FAA gives 30 days notice to the original owner of the property, provides public notice, justifies the release, and determines that it will benefit civil aviation.

Conference Substitute

Section 125: Adopts section 208 of the Senate bill insofar as it requires notice to the public 30 days in advance and is effective for any waiver issued on or after the date of enactment. The provision is extended to cover FAA actions under section 47125 or 47153 of Title 49. After the FAA gives notice under this section, it should consider any comments it receives.

Section 135(d) & Section 136: House & Senate on priority for receiving surplus property and on references to gifts. This section does not apply to surplus property transfers covered by the BRAC process based on advice from the FAA that current law excludes them.

Section 749 & 750: In lieu of section 408 of the Senate bill, adopt two specific deed restriction removals, one for Pinal and the other for Yavapai, both in Arizona.

34. MATCHING SHARE

House Bill

Section 126: Allows for a Federal share of less than 90% at general aviation airports receiving grants under the state block grant program.

Allows for a Federal share of 100% at general aviation and non-hub airports in the first year (FY 2001) that the higher funding levels are in effect.

Senate Amendment

Section 203: Allows for a Federal share of less than 90% at any general aviation airport.

Conference Substitute

Section 126: House with respect to its provision on the 90% Federal share.

35. LETTERS OF INTENT (LOIS)

House Bill

Section 127. The requirement that the project must significantly enhance system capacity is limited to LOIs for medium or large hub airports.

Makes clear that an airport need not impose a PFC in order to get a letter of intent.

Senate Amendment

Section 434: Makes clear that an airport need not impose a PFC in order to obtain an LOI.

Conference Substitute

Section 127: House.

36. SMALL AIRPORT FUND SET-ASIDE

House Bill

Section 128: Sets aside $15 million or 20%, whichever is less, of the non-hub portion of the small airport fund to help these airports meet the new small airport certification standards. This set-aside lasts 5 years unless FAA determines that all airports have met the certification standards.

Senate Amendment

No provision.

Conference Substitute

Section 128(a): House.

37. NOTIFICATION OF SOURCE OF GRANT

House Bill

Section 128(b): Requires airports receiving grants from the small airport fund to be notified that that is the source of the grant.

Senate Bill

No provision.

Conference Substitute

House. Section 128(b)

38. TURBINE POWERED AIRCRAFT

House Bill

Section 128(c): In making grants from the general aviation airport portion of the small airport fund, the FAA shall give priority to projects that support operations by jet aircraft as long as the local share will be at least 40%.

Senate Amendment

Section 205(n): Same provision.

Conference Substitute

Section 128(c): House and Senate.

39. DISCRETIONARY USE OF UNUSED ENTITLEMENTS

House Bill

Section 129: In situations where an airport cannot use its entitlement funds during the current fiscal year, this section specifies how long the funds are available and changes the current law so that the FAA does not have to have additional contract authority available at all times to cover the carry-over entitlement amount.

Senate Amendment

No provision.

Conference Substitute

Section 129: House. The purpose of this provision is to allow the temporary conversion of unused AIP entitlement money as discretionary money, whether or not, at the time of the conversion, the AIP program has already been authorized for the following fiscal year.

Paragraph (1) states that if FAA learns that an airport will not use its entitlement money in the current fiscal year, FAA may make a discretionary AIP grant to any other airport. In effect, this permits a temporary conversion of entitlement money into discretionary money.

Paragraph (2)(A) provides that if FAA makes a discretionary grant under paragraph (1), and the current fiscal year is the last year of availability of the converted entitlement (i.e., the 3rd or 4th year of the term of availability under §47117(b)), the original airport will lose that entitlement money. That is, the conversion does not extend the entitlement term. However, if the current fiscal year is not the last year of that entitlement, the airport will get that entitlement money back, when funds become available under an authorization.

Paragraph (2)(B) determines how long that entitlement will remain in effect. If the restored entitlement money becomes available (under an authorization) in the same fiscal year as the fiscal year in which the conversion occurred, or in the following fiscal year, there is no change to the entitlement term. That is, it remains available to the original airport for a total of three or four fiscal years, as provided in 49 USC 47117(b). But if the money does not become available (under an authorization) until a still later fiscal year, then the original entitlement term is extended by the number of complete fiscal years during which there was no money, that is, the number of complete fiscal years in the authorization lapse.

Paragraph 3(A) provides that when new money is provided under a reauthorization and this new money is used to restore an entitlement, the amount that can be used for new discretionary grants is reduced by that amount. This is to reflect the fact that prior discretionary grants have already been made using that amount.

Paragraph 3(B) allows an amount that has been restored to an entitlement to be used again for a discretionary grant if the airport associated with the entitlement is still not ready to use the entitlement money.

Paragraph (4) provides that these provisions do not create grant authority above that made available under section 48103.

40. MILITARY AIRPORTS

House Bill

Section 130: Increases number of military airports from 12 to 15 in 2000 and to 20 thereafter. Requires that at least one be a general aviation airport in 2000 and at least three thereafter. Allows subsequent designation periods to be less than 5 years. Increases the amount that can be spent on terminal buildings from $5 million to $7 million. Adds air cargo terminals of less than 50,000 square feet to the section on eligibility of hangars and increases the amount they are eligible to receive from $4 million to $7 million.

Section 104(h): makes technical change in military airport program.

Senate Amendment

Section 438: Increases number of military airports eligible for grants from 12 to 15. Allows subsequent designation periods to be shorter than 5 years.

Section 453: Increases number of military airports eligible for grants from 12 to 15. Allows at least one to be a general aviation airport.

Conference Substitute

Section 130: House but limited to 15 airports, only one of which may be a general aviation airport. Makes clear that joint use airports are eligible by inserting ''the airport is used jointly by military and civil aircraft'' at the beginning of paragraph (a)(2) of section 47118 of Title 49. Also, makes the designation of the general aviation airport permissive by changing ''shall'' to ''may'' in the subsection on designation of general aviation airport.

41. CONTRACT TOWER PROGRAM

House Bill

Section 131: Expands the current program by requiring the establishment of a program to contract for air traffic control services at Level I towers that would not otherwise qualify for the contract tower program. Lists factors to be used in choosing towers for participation including that the benefit to cost ratio is at least .85 and that the tower is at an airport where air service is subsidized under the essential air service (EAS) program. Requires participating airports to share in the cost. Authorizes $6 million per year from the FAA's Operations account under section 106(k) of Title 49 for this program.

Senate Amendment

Section 213: Establishes a pilot program to contract for air traffic control services at Level 1 towers that would otherwise not qualify for the contract tower program. Lists different factors for participation including that the benefit to cost ratio is at least 0.5. Allows up to $1.1 million for tower construction at not more than 2 airports. Authorizes $6 million per fiscal year.

Conference Substitute

Section 131: Adopts 0.5 standard from Senate bill. Adopts essential air service provision from House bill.

Takes the money from section 106(k) as in the House bill.

Authorizes grants of not more than $1.1 million each to two airports for tower construction. These grants would have to come from the airports passenger entitlement. The Federal share would be limited to 75% of the cost of construction.

42. INNOVATIVE FINANCING

House Bill

Section 132. Permits Secretary to approve 25 innovative financing projects at small hubs or non-hubs limited to the following types of projects:

(1) payment of interest.

(2) commercial bond insurance.

(3) flexible non-federal share.

These cannot give rise to a direct or indirect guarantee of any airport debt.

Senate Amendment

Section 202: Similar provision.

Limited to 20 projects but not limited to only small hubs and non-hubs. Includes, but is not limited to the three types of projects in the House bill.

Conference Substitute

Section 132: House bill limited to 20 projects. A fourth type of project is added. It would allow entitlement funds to be used to pay off debt incurred before the date of enactment on a terminal development project.

43. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM

House Bill

Section 134: Directs the Secretary to carry out a pilot program at not more than 10 airports using AIP funds to pay for the construction of facilities needed by low-emission vehicles, the additional cost of purchasing a low emission vehicle, and the acquisition of equipment needed for the use of such vehicles. Specifies the type of airports that would qualify and the criteria to be used in selecting them. Allows a participating airport to use 10% of its funds for technical assistance. The Federal share is 50%. No airport may receive more than $2 million. A report to Congress is required within 18 months.

Senate Amendment

Section 444: Similar provision but if not enough applications in the non-attainment area, projects can be done outside that area. Requires not less than 10% of funds to be used for technical assistance. $500,000 for best practices by a western regional consortium.

Conference Substitute

Section 133: Senate provisions except include the House provision on 10% for technical assistance and delete the $500,000 for the western regional consortium. Add language authorizing the FAA to develop materials for dissemination of best practices obtained from pilot project and other sources for carrying out low-emission vehicle activities.

This provision authorizes a pilot program under which FAA is to issue grants to 10 airports for the acquisition of low emission vehicles and support infrastructure. Unlike other AIP grants, the Federal share is 50%. Grant selection should be targeted to airports submitting plans that would achieve the greatest emissions reductions per dollar of funds provided. Qualifying airports should be located in areas not attaining federal air quality standards. Grants of up to $2 million per airport could be made.

Grants are designed to assist airports in procuring clean vehicles which meet ultra low emission vehicle and Inherently Low Emission Vehicle standards and with building the fueling infrastructure for these vehicles. It is expected that the vehicles will be primarily natural gas or electric. The infrastructure and related equipment eligible for funding is intended to be primarily alternative fuel stations and vehicle charging stations.

44. AIRPORT SECURITY PROGRAM

House Bill

Section 133: Requires Secretary to carry out at least one project to test and evaluate innovative aviation security systems. Specifies who qualifies, which projects get priority, and the Federal share. Authorizes $5 million per year.

Senate Amendment

Section 105: Similar provision.

Conference Substitute

Section 134. Senate provision.

45. PFC WAIVERS

House Bill

Section 135(b): Allows an airport to request that the PFC be waived (A) for passengers enplaned by a class of airlines if the number of enplanements by the airlines in the class constitute less than 1% of the total number of passengers at the airport and (B) for passengers flying to an airport that has less than 2,500 passengers per year and is in a community that has less than 10,000 people and is not connected to the National Highway System.

Senate Amendment

Section 205(g): Similar provision except that (B) makes waiver permissible for passengers flying to an airport that has fewer than 2,500 passengers per year OR is in a community that has fewer than 10,000 people and is not connected to the National Highway System or vehicular way.

Section 205(f): Prohibits PFC on flights or flight segments between 2 or more points in Hawaii.

Conference Substitute

Section 135: Senate with modifications including adding a provision as follows: A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.

46. TERMINAL DEVELOPMENT AT FORMER PRIMARY AIRPORTS

House Bill

Section 135(a): Allows an airport to continue to get grants for terminal development under a multiyear agreement even if it falls below 10,000 annual enplanements.

Senate Amendment

Section 205(d): Allows a primary airport to get grants from discretionary fund according to a multiyear agreement, even if the airport becomes a nonprimary airport.

Conference Substitute

Section 135(c). Senate. Adds a provision providing the same treatment for commercial service airports that become non-commercial service airports.

47. INTERMODAL CONNECTIONS

House Bill

Section 137: Encourages the development of intermodal connections and makes airport construction or the purchase of capital equipment for intermodal connections eligible for AIP grants.

Senate Amendment

No provision.

Conference Substitute

Section 137: House with revised language.

48. STATE BLOCK GRANT PROGRAM

House Bill

Section 138: Increases the number of state block grant states from 9 to 10.

Senate Amendment

No provision.

Conference Substitute

Section 138: House but not effective until October 1, 2001.

49. ELIGIBILITY FOR PFC FUNDING

House Bill

Section 151: Treats the shell of the building and fueling facilities as ''related'' to gates so that the shell and fueling facilities are eligible to be built using PFCs.

Senate Amendment

Section 210: Allows an airport to use passenger facility charges (PFC's) to fund the shell of a terminal building and adjacent fueling if that would enable additional air service to be provided by a carrier that has less than 50% of the passengers at the airport.

Conference Substitute

Section 151: Similar to House and Senate provisions but with revised language.

50. TERMINAL DEVELOPMENT COSTS

House Bill

Section 152: (1) Allows non-hub and small hub airports that carried out terminal development after August 1, 1986 to use PFC money to repay the costs if passenger levels declined 16% between 1989 and 1997.

(2) Allows non-hub and small hub airports that carried out terminal development between the specified dates to use entitlement funds to help pay off the debt incurred for such development.

(3) Directs the Secretary to make the determination of whether an airport is a commercial service airport (for the purpose of eligibility for discretionary grants for terminal development) on the basis of the type of air service and number of passenger in the current year or preceding year, whichever is most beneficial to the airport.

Senate Amendment

No provision.

Conference Substitute

Section 152: Adopts the House on (1) and (3) only. Provision number (2) is addressed in section 132, the innovative financing provision, which is described in item 42 above.

51. ILS INVENTORY

House Bill

Section 153(a): Requires $30 million to be used for instrument landing systems (ILS's) from 2000 to 2002.

Senate Amendment

Section 102(b): Requires that at least $30 million be spent annually out of F&E account to purchase and install ILS's on an expedited basis, fiscal years 1999 through 2002.

Conference Substitute

Section 153 adopts House provision.

52. LORAN—C AND WIDE AREA AUGMENTATION SYSTEM (WAAS)

House Bill

Section 153(b): Requires Loran—C to be maintained and upgraded.

Senate Amendment

Section 410: FAA shall develop WAAS to provide navigation and landing approach capabilities for civilian use. Until FAA certifies that WAAS is a sole means navigation system, backup system must be maintained.

Conference Substitute

No Provision.

53. COMPETITION PLANS

House Bill

Section 125: Beginning in fiscal year 2001, requires medium and large hub airports that are dominated by 1 or 2 airlines to file competition plans before they can get AIP grants or approval for new PFCs.

Senate Amendment

No provision.

Conference Substitute

Section 155: House with revisions. Beginning in 2001, certain airports cannot get approval for a new passenger facility charge (PFC) or receive an AIP grant unless the airport has submitted a competition plan to the Secretary. Lists the contents of that plan. the airports affected by this requirement are

medium and large hub airports at which one or two carriers have more than half of the passenger enplanements. The underlying purpose of the competition plan is for the airport to demonstrate how it will provide for new entrant access and expansion by incumbent carriers. By forcing the airport to consider this, it would be more likely to direct its AIP or PFC money to that end. It is not the Managers intent that the competition plan be challenged in court in order to slow down or stop an airport improvement project. Nor should competition projects take precedence over safety or security ones. However, within the class of non-safety projects, those that would enhance competition should usually be given priority.

54. RURAL AVIATION IMPROVEMENT IN ALASKA

House Bill

No provision.

Senate Amendment

Section 412: (1) When changing its rules affecting intrastate aviation in Alaska, FAA shall consider the extent to which Alaska relies on aviation and shall establish the appropriate regulatory distinctions.

(2) Authorizes $2 million and directs the FAA to install closed circuit weather surveillance equipment at no less than 15 rural Alaskan airports and provides for the dissemination of this information to pilots.

(3) Requires the development and implementation of a ''mike-in-hand'' weather observation program in Alaska under which near real time weather information will be provided to pilots.

(4) Authorizes $4 million for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

Conference Substitute

Section 156: Includes rulemaking directive & ''mike-in-hand'' provisions ((1) and (3)) from the Senate bill.

55. PAVEMENT CONDITIONS REPORT

House Bill

Section 735: Requires a report within 18 months on the impact of alkali Silica reactivity distress on airport runways and taxiways and on ways to mitigate and prevent that distress.

Section 156: Directs FAA to study the use of recycled materials in airport pavement. One year and $1.5 million is provided for the study.

Senate Amendment

Section 211: FAA shall evaluate options for improving the information available on pavement conditions and report to Congress in 12 months.

Section 443: Authorizes FAA study on extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways and aprons.

Section 1308: Requires DOT study on the applicability of techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program, to the research needs of airports.

Conference Substitute

Section 157 of the Conference substitute adopts House section 156.

Section 160 adopts Senate section 211.

Section 743: House and Senate provisions on Alkali Silica.

Section 906 adopts Senate section 1308 but requires DOT to consult with the National Academy of Sciences and appropriate industry organizations.

56. CONSTRUCTION OF RUNWAYS

House Bill

Section 155: Allows AIP grants for construction of runways notwithstanding any other provision of law.

Senate Amendment

No provision.

Conference Substitute

Section 158 adopts House provision.

57. TIMELY ANNOUNCEMENT OF GRANTS

House Bill

Section 158: Requires DOT to announce AIP grants in a timely fashion after receiving the necessary documents from FAA.

Senate Amendment

No provision.

Conference Substitute

Section 159(a) adopts House provision.

Section 159(b) adds a provision stating that if any Committee of Congress is given advance notice of an AIP grant, House Transportation & Infrastructure Committee and Senate Commerce Committee must get the same notice at the same time.

58. CAPACITY ENHANCEMENTS

House Bill

No provision.

Senate Amendment

Section 206: DOT must report in 9 months on efforts to implement, and time frame for implementation, of capacity enhancements, both technical and procedural, such as precision runway monitoring systems.

Conference Substitute

Section 161 adopts Senate provision.

59. DISCRETIONARY GRANTS

House Bill

No provision.

Senate Amendment

Section 207: FAA should give lower priority to requests for discretionary grants from airports that have used entitlement grants for projects that have a lower priority than the projects for which discretionary funds are sought.

Conference Substitute

Section 162: Senate.

60. PASSENGER FACILITY CHARGE (PFC) INCREASE

House Bill

Section 105: Allows FAA to approve a PFC up to $6 if the higher PFC will pay for a project that will make a significant contribution to safety, security, increased competition, reduced congestion, or reduced noise and that project cannot be expected to be paid for from AIP. Airports can utilize the higher PFC for surface or terminal projects only if the airside needs of the airport are being paid for. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

Entitlement reductions occur in the first fiscal year following the year in which the collection of the PFC began.

Senate Amendment

No provision.

Conference Substitute

Section 105: House but allow FAA to approve a PFC only up to $4.50.

The section also holds harmless an airport that moves from a small hub to medium hub status. It states that such an airport should not receive less in AIP entitlement and PFC revenue as a medium hub that it received in such revenue as a small hub. This could occur because, as a medium hub, it would have to turn back half its entitlement. This provision would reduce the amount of its turn-back to ensure that it does not end up with less money.

Under the law governing passenger facility charges, FAA is directed to prescribe regulations which establish the portion of a FPC which the airlines may retain to reimburse them for their necessary and reasonable expenses in collecting and handling the fees. The law specifically requires that the airline fee be net of any interest accruing to the airline after the collection and before remittance of the fee to the airport. A number of air carriers have communicated to the conferees their views that the cost of collection allowed by current FAA regulations, $.08, is to low. While the Conferees did not evaluate the correctness of these claims, we believe that the airlines should be given the opportunity to demonstrate their correctness in a rulemaking proceeding. As soon as the airline submit the evidence necessary for evaluation of their claim the FAA shall make its final decision within 189 days.

61. POLICY FOR AIR SERVICE TO RURAL AREAS

House Bill

Section 204: Adds to the list of policies—ensuring that consumers in all regions including small communities and rural and remote areas have access to affordable scheduled air service.

Senate Amendment

No provision.

Conference Substitute

Section 201. Adopts section 204 of House bill.

62. WAIVER OF LOCAL CONTRIBUTION

House Bill

Section 203: Permits 2 small communities to receive subsidized essential air service without having to pay a local share.

Senate Amendment

Section 503(c): Similar provision (applies to Dickinson, ND, and Fergus Falls, MN).

Conference Substitute

Section 202: House & Senate.

63. AIR SERVICE DEVELOPMENT PROGRAM

House Bill

Section 202: Provides $25 million in contract authority from the Trust Fund for grants to underserved airports (defined as nonhubs or small hubs with insufficient air service or unreasonably high air fares (more than 19 cents per mile)) to help them market and promote their air service. In making grants priority should be given airports that put up a local share from non-aviation revenue sources.

Senate Amendment

Sections 501–504: DOT shall establish a 4-year program administered by a program director who shall work with communities and carriers, ensure that data is collected, provide an annual report to Congress, select up to 40 communities to participate in an 480 million program to improve air service at small communities. This program is limited to communities where a public-private partnership exists and that are willing to put up at least 25% of the cost. The program director may make grants of not more than $500,000 per year to small communities (no more than 4 in one state) to assist communities improve their air service. The program director also may help ensure that gates are available and facilitate joint fare arrangements. $80 million is authorized for this program.

Conference Substitute

Section 203: Subsection (a) requires DOT to establish a pilot program to help improve air service to airports not receiving sufficient air service. Subsection (b) sets forth the application requirements for a community or group of communities that want to participate in the program. The application should include information justifying the community's need to participate in the program. Subsection (c) describes the criteria for participation. In order to participate, a community must be a non-hub or small hub with insufficient air service or unreasonably high

airfares. The total number of communities or groups of communities that can participate is limited to no more than 4 in any one state and no more than 40 overall. Priority should be given to communities that have high air fares, will provide a local share of the cost, will establish a public-private partner ship to facilitate airline service, and where assistance will provide material benefits to a broad segment of the traveling public. The local share should not come from airport revenues. DOT and the communities are given flexibility as to the types of programs that will best serve to improve service at the local airport. Marketing and promotion of air service is encouraged. Any direct subsidy to an air carrier is limited to 3 years. DOT should designate an official responsible for this program. DOT should take action to ensure that interested communities and Members of Congress are aware of the name and title of the official so designated.

64. EAS PRESERVATION AT DOMINATED HUBS

House Bill

No provision.

Senate Amendment

Section 465: If reliable and competitive EAS service is jeopardized at a large hub where one carrier has more than 50 percent of the annual enplanements, DOT is authorized to require the dominant air carrier to take action to enable the EAS provider to offer reliable and competitive service. Action includes interline agreements, ground services, subleasing of gates.

Conference Substitute

Section 204: Similar to the Senate provision but limited to service to large hubs where one carrier has more than 60 percent of the total annual enplanements.

65. MANDATORY INTERLINING

House Bill

No provision.

Senate Amendment

Section 310: Requires a major airline that interlines with any carrier at a large hub in the 48 States where it (Or another airline) carries 50% of the passengers, to interline within 30 days of a request with carriers offering service to a community in the section 41743 program (air service program for small communities) and that meet certain requirements. DOT must review any agreement and the agreement may be terminated if the other party fails to meet its terms.

Conference Substitute

No provision.

66. DETERMINATION OF DISTANCE FROM HUB AIRPORT

House Bill

Section 205: In making a determination as to whether a community is eligible for essential air service under the distance criteria, DOT shall measure the distance using the most commonly used highway route between the community and the hub airport.

Senate Amendment

No provision.

Conference Substitute

Section 205 adopts House provision with modified language.

67. SENSE OF SENATE, EAS

House Bill

No provision.

Senate Amendment

Section 462: Sense of the Senate that retaining EAS service in small communities is difficult, FAA should consider relieving Dickinson (ND) of its EAS match requirement. Requires DOT report on retaining EAS, to focus on North Dakota.

Conference Substitute

Section 206: Senate.

68. STUDY OF MARKETING PRACTICES

House Bill

No provision.

Senate Amendment

Section 505: With 180 days, DOT shall review the marketing practices of air carriers that may inhibit the availability of air service to small and medium communities. If DOT finds marketing practices that inhibit service, DOT may issue rules to address the problem.

Conference Substitute

Section 207: Senate.

69. AIRLINE MARKETING DISCLOSURE

House Bill.

No provision.

Senate Amendment

Section 430: Requires DOT to issue a rule in 90 days to provide better notice of the actual name of the airline providing the transportation. The Secretary may take into account the proposed rules previously issued.

Conference Substitute

No provision. This issue has already been addressed by a DOT rulemaking at 64 FR 12838, March 15, 1999.

70. E-TICKETS

House Bill

No provision.

Senate Amendment

Section 507: Airlines must notify passengers of the expiration of their electronic tickets.

Conference Substitute

Section 221: Senate. it is the intention of the Manager that oral notice at time of purchase is sufficient notification.

71. AIRLINE CUSTOMER SERVICE

House Bill

No provision.

Senate Amendment

Title XIV: Airline customer service plans to be submitted to DOT. DOT to transmit a copy of each plan to authorizing committees. DOT IG to monitor the implementation of each plan, and evaluate and report on how each airline is living up to its commitment. IG status report due 6/15/00. Final report due 12/31/00. Directs DOT to initiate rulemaking within 30 days of enactment to increase domestic baggage liability limit. Penalty for violations of aviation consumer laws and regulations increased from $1,100 to $2,500 per violation. GAO directed to study ''hidden city'' and ''back-to-back'' ticketing to determine the effect of allowing these practices on consumers and small communities. Authorizes annual appropriations from the trust fund of between $2.3 and $2.6 mil (FY00–FY03) for the DOT to enforce airline consumer protections.

Conference Substitute

Section 222–226: Senate, but don't specify that the money for the DOT consumer office is to come out of the Trust Fund. Also add a reference to section 41705 (preventing discrimination against the handicapped) as one of the responsibilities of the DOT consumer office. The final report due at the end of the year should also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans. DOT's recent action raising the baggage liability limit could satisfy the directive in section 225.

72. AIRLINE QUALITY SERVICE REPORTS

House Bill

No provision.

Senate Amendment

Section 463: DOT required to modify Airline Service Quality Performance Reports (14 CFR Part 234) to disclose more accurately the reasons for air travel delays and cancellations. The categories and reporting requirements to be determined by FAA, in consultation with airline passengers, air carriers, and airport operators.

Conference Substitute

Section 227: Senate but revised to direct the Secretary to modify the airline service quality performance reports required under 14 CFR 234 to more fully disclose to the public the nature and source of delays and cancellations experienced by air travelers. The Secretary is directed to establish a task force within 90 days of the date of enactment of this Acting including FAA officials and representatives of airline consumers and air carriers to develop alternatives and criteria for such change. Such modifications shall include a means for DOT a report, and a requirement that air carriers submit information, on delays and cancellations in categories that reflect the reasons for such delays and cancellations.

73. COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY

House Bill

No provision.

Senate Amendment

Title XII: Commission to study consumer access to information about the products and services of the airline industry, the effect on the marketplace of the emergence of new means of distributing such products and services, the effect on consumers of the declining financial condition of travel agents, and the impediments imposed by the airline industry on distributors. The study shall include policy recommendations to help consumers. Prescribes membership on commission. Initial report 6 months after appointments, commission disbanded 30 days after final report.

Title XVI: Duplicate provision.

Conference Substitute

Section 228: Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effect this will have on consumers, if any, and what, if anything, should be done about it.

74. LOAN GUARANTEES

House Bill

Section 211: Authorizes funding for loan guarantees and other credit instruments for the purchase of regional jets to serve underserved communities.

Senate Amendment

Section 508: Study of such a loan guarantee program within 2 years.

Conference Substitute

Section 210: House.

75. DEREGULATION COMMISSION

House Bill

No provision.

Senate Amendment

Section 454: Establishes a commission to study the impact of airline deregulation on small communities. 15 members, 5 appointed by President (one from rural area), 3 by Senate Majority Leader, 2 by Senate Minority Leader, 3 by House Speaker, and 2 by House Minority Leader. 2 of House appointees from rural area, 2 of Senate appointees from rural area. Appointment 60 days after enactment, 1st meeting within 30 days later. $950,000 authorized for FY 2000. Commission disbanded

90 days after report, which is due 18 months after enactment.

Conference Substitute

No provision.

76. SLOTS IN NEW YORK

House Bill

Section 210(a):

(a) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 70 or fewer seats.

(b) Effective January 1, 2007, slot restrictions are eliminated entirely.

Senate Amendment

Section 506: Eliminates the high density rule (HDR) at LaGuardia and JFK, effective 2007.

Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the ''exceptional circumstances'' criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until 2 years after the HDR lifted at LaGuardia and JFK. Doesn't apply if carrier can demonstrate loss on the route to DOT.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. In addition, (1) there could be no more than 1 carrier already providing nonstop service to that airport from LaGuardia/JFK; and (2) exemption would only be available for new service in the market (carrier adding a frequency, or upgrading from turboprop to regional jet).

Section 509: DOT to require FAA to provide commercially reasonable times for new entrant/limited incumbent and regional jet slot exemptions granted at LaGuardia and JFK.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: General provisions. DOT must act on slot exemption requests within 60 days. If additional information is requested by DOT, the 60 days is tolled until the information is received. If DOT fails to act within 60 days, the exemption is granted. Exemptions may not be bought, sold, leased, or otherwise transferred. For the purpose of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The limitation in current law allowing the grant of slot exemptions to new entrants only in exceptional circumstances is deleted. The maximum number of slots or slot exemptions that an airline can have and still qualify as a limited incumbent is raised from 12 to 20. Nothing in the slot exemption sections of this bill should be construed as affecting the FAA's authority to act to further its safety mission or air traffic control responsibilities. To the extent that DOT has discretion over the award of slot exemptions, it may consider whether the airline seeking the exemption will be using U.S. manufactured aircraft. This would not apply where the airline is proposing to use a type of aircraft for which there is not a competing U.S. manufacturer.

New York specific provisions. Slot restrictions at New York are eliminated after January 1, 2007. In the interim, DOT is directed to provide exemptions from the slot rules to any airline flying to the two New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up a slot for service to another community. DOT is also directed to grant exemptions to new entrants and limited incumbents for service to New York. Exemptions can be granted only for operations with Stage 3 aircraft. Airlines that have been flying to New York from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route.

77. SLOTS AT CHICAGO

House Bill

Section 201:

(a) Effective immediately, 20 slot exemptions per day shall be granted for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)

(b) Effective immediately, 30 slot exemptions shall be granted for new entrants (those with less than 20 slots).

(c) If within 180 days, there are insufficient applications for the 50 slot exemptions above, the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

(d) Effective immediately, slots cannot be taken away from a U.S. airline and given to any other airline to provide international service.

(e) Effective on March 1, 2000, slot restrictions are eliminated for international air service and U.S. airlines can convert their international slots to domestic service.

(f) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 80 or fewer seats.

(g) Effective March 1, 2001, slot restrictions are eliminated except between 2:15 p.m. and 8:15 p.m.

(h) Slot restrictions are eliminated entirely on March 1, 2002.

Senate Amendment

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the ''exceptional circumstances'' criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until four years after the HDR lifted at O'Hare. Doesn't apply if carrier can demonstrate loss on the route to DOT.

DOT required to grant 30 slot exemptions over a 3-year period. Stage 3 aircraft must be used. 18 exemptions must be used for underserved airports (non-hub or small hub), of which at least 6 shall be used for commuter purposes. 12 exemptions shall be used by air carriers. Before granting the exemptions, DOT must do an environmental review, determine whether capacity is available and can be used safely, give 30 days notice and consult with local officials.

132 slot cap on EAS slots at O'Hare doesn't apply to new slot exemptions made available at O'Hare.

Secton 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: The general provisions described above for New York also apply at Chicago. In addition, slot restrictions at Chicago are eliminated after July 1, 2002. On July 1, 2001, slot restrictions will apply only between 2:45 p.m. and 8:14 p.m. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up one slot for service to another community for every 2 exemptions granted and used. This slot that is freed up by the regional jet replacement must be taken away if the airline drops the regional jet service or replaces it with a prop plane. DOT is also directed to grant 30 exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days. Slots will no longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use. Airlines that have been flying to Chicago from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route. Exemptions can be granted only for operations with Stage 3 aircraft.

78. SLOTS AND PERIMETER AT REAGAN NATIONAL

House Bill

Section 201(b):

(a) Effective immediately, 6 slot exemptions shall be granted per day for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)

(b) If within 180 days, there are insufficient applications for the 50 slot exemptions above, the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

Senate Amendment

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

12 slot exemptions shall be granted inside the perimeter to airlines serving medium hub or smaller airports. Exemptions shall be distributed in a manner consistent with the promotion of air transportation by (1) new entrants and limited incumbents, (2) to communities without service to DCA, (3) to small communities, or by (4) providing competitive service on a monopoly route to DCA.

12 perimeter rule/slot exemptions established for service beyond the 1,250-mile perimeter. To qualify, carriers would have to demonstrate that proposed service provides domestic network benefits or increases competition by new entrant air carriers.

Stage 3 aircraft must be used and no more than 2 exemptions per hour can be granted.

Section 456: These new slot exemptions at DCA can't increase operations at DCA between 10:00 p.m. and 7:00 a.m.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: DOT is directed to grant 12 slot exemptions within the perimeter. It is also directed to grant 12 slot exemptions outside the perimeter based on certain specified findings. These slots could go to more than one airline. Stage 3 aircraft must be used. The exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour. Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small, or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. Fifteen days are allowed to comment on the requests. After that, 45 days are allowed for DOT to make a decision. Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, under section 41714(h)(5), slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

79. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

House Bill

Section 718: Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also, eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

Senate Amendment

Title X: Eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

Conference Substitute

Section 231(h) and (i) adopt the House and Senate provisions.

80. AIR TRAFFIC CONTROL OVERSIGHT BOARD

House Bill

Section 301 to 303: Establishes a 9-member Board to review and approve FAA's air traffic control (ATC) modernization program (including procurements over $100 million), the appointment of a Chief Operating Officer and senior executives of the ATC system, any ATC reorganization, any cost accounting and financial management structure, the performance of employees, and the ATC budget. The 9 members shall be composed of 6 non-Federal members appointed for 5 years plus the DOT Secretary, the FAA Administrator, and an air traffic employee union head. The Chief Operating Officer would be appointed for a 5-year term.

Section 304. Allows initial appointments to be made by the president, but requires all subsequent appointments to be made by the DOT Secretary.

Senate Amendment

Section 907(c): Chairman of the Management Advisory Council (MAC) to establish an Air Traffic Services Subcommittee to review and comment on: the performance of COO and senior managers within FAA air traffic organization, long range and strategic plans for air traffic services, Administrator's selection and compensation of senior air traffic executives, any major FAA reorganization, FAA cost allocation system and financial management, and performance of managers responsible for major acquisition projects.

Section 906(a): Administrator to appoint COO for a 5-year term. COO is eligible for a 50 percent-of-pay bonus at Administrator's discretion.

Section 907(a), (b): Similar provision on MAC.

Section 908: Secretary may give FAA Administrator a 50 percent-of-pay bonus.

Conference Substitute

Section 301–304: The Management Advisory Council (MAC) is retained. Initial appointments of 10 aviation industry representatives and one union leader will be made by the President and confirmed by the Senate. After that, appointments will be made by the Secretary of Transportation. They are appointed for 3 years except the union leader who is appointed only while head of the union.

There will be five additional members appointed by the Secretary within 3 months of the date of enactment of this Act. These 5 members should represent the public and not have an interest in or be involved in an aviation business. They would have to meet the public interest criteria of the House bill. They should have a background in management, customer service, information technology, organizational development, or labor relations. They are appointed for 5 years and can only be reappointed once. These 5 members will form the Air Traffic Services Subcommittee. This Subcommittee will oversee the air traffic control system. It will be responsible for reviewing and approving certain actions, plans, appointments (including the FAA Administrator's appointment of a Chief Operating Officer), budget requests, salaries, and large contracts. The Subcommittee shall select its Chairman who shall serve a 2-year term. It shall meet at least quarterly and shall file an annual report. If the Subcommittee identifies a problem in the air traffic control system that is not being adequately addressed, it shall report the matter to the FAA Administrator, the MAC, and the Congress. If the Administrator agrees with the report, action shall be taken on it within 60 days. If the Administrator disagrees, a report to that effect must be filed with the president and the Congress. GAO shall report to Congress on whether this new management structure is improving the performance of the air traffic control system.

Neither the Secretary nor the Administrator is on the MAC or the Subcommittee. The union member described in the House bill is on the MAC but not the ATC Subcommittee.

The FAA Administrator appoints a Chief Operating Officer (COO) for a 5-year term with the approval of the Air Traffic Services Subcommittee. The COO reports to the Administrator and can receive the same salary as the Administrator plus a possible 30% performance bonus. This bonus shall be based on how well the COO meets the performance goals that are established by the Administrator and COO in consultation with the Air Traffic Services Subcommittee. Includes COO's authority from Senate bill.

81. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

House Bill

No provision.

Senate Amendment

Section 911: Authorizes a FAA-industry joint venture pilot program to accelerate investment in ATC facilities and equipment. The nonprofit Air Traffic Modernization Association to help airports arrange lease and debt financing of eligible projects. Prescribes an executive panel for the Association. Association can borrow and lend funds, $500 mil total capitalization for FY2000–2002. No single project can exceed $50 mil. Authorizes FAA payments to Association. Allows airports to use Association payments to meet local matching requirements of airport grants. Report to authorizing committees within 3 years of Association's establishment. FAA authorized $1.5 million for its share of Association's organizational and administrative costs.

Conference Substitute

Section 304: Agree to a 10 project pilot cost-sharing program to encourage non-federal investment in air traffic control modernization programs. Limits FAA participation to one-third of project costs and $15 million per project.

82. REGULATORY APPROVAL PROCESS

House Bill

Section 306: Raises from $100 million to $250 million the threshold that would trigger Secretarial review of a FAA regulation. It also limits the type of regulations that would be considered significant enough to justify Secretarial review.

Senate Amendment

No provision.

Conference Substitute

Section 305 adopts House provision.

83. FAILURE TO MEET RULEMAKING DEADLINE

House Bill

Section 308: Requires FAA to notify Congress if it misses the deadline in the law for

responding to a rulemaking petition, issuing a notice of proposed rulemaking, or issuing a final rule.

Senate Amendment

No provision.

Conference Substitute

Section 306: In lieu of House provision, require FAA to write a letter to the authorizing Committees on February 1 and August 1 of each year with the information described by the House bill.

84. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES

House Bill

Section 503: Adds the enforcement procedures in 5 U.S.C. Chapter 12.

Senate Amendment

Section 419(b): The same provision with slightly different wording.

Conference Substitute

Section 307: House. Also moves the personnel and procurement reform sections from the Appropriations Act into Title 49.

85. PROCUREMENT INTEGRITY ACT

House Bill

Section 309: Imposes section of Procurement Integrity Act (with certain adjustments) that restricts the conduct of business and information disclosed between Federal employees and government contractors. Penalties can be imposed if contractor bid and proposal information or source selection information is exchanged for anything of value or results in an unfair competitive advantage.

Senate Amendment

Section 415: Same or similar provision.

Conference Substitute

Section 307(b): Senate

86. PERSONNEL REFORM

House Bill

Section 705(a): Provides that the 60-day period for congressional resolution of a dispute between the FAA and one of its unions does not include a period during which Congress has adjourned sine die.

Senate Amendment

No provision.

Conference Substitute

Section 308(a): House.

87. MERIT SYSTEMS PROTECTION BOARD (MSPB)

House Bill

Section 705: Permits an FAA employee subject to an adverse personnel action to contest it either through contractual grievance procedures, FAA internal procedures, or by appeal to the MSPB.

Senate Amendment

Section 424: Permits appeals to the MSPB.

Conference Substitute

Section 308(b): House & Senate.

88. STUDY OF FAA COST ALLOCATION

House Bill

Section 307: Requires the DOT inspector general (IG) to conduct an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Requires annual reports for 5 years starting on 12/31/00. Authorizes $1.5 million.

Senate Amendment

Section 414: Requires the DOT inspector general (IG) to conduct or contract out an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Final report due in 300 days of contract award. Authorizes such sums as may be necessary.

Section 910: By 7/9/00, FAA must report to authorizing committees on its cost allocation system now under development, to include specific dates for completion and implementation. DOT IG to assess the cost allocation system with own staff, or contract it out, and also assess FAA's cost and performance management. Updated report from IG by 12/31/00. FAA is required to include information in its annual financial report that would allow users to judge FAA's progress in increasing productivity.

Conference Substitute

Section 309: House includes the general authorization in the Senate amendment rather than the specific authorization in the House bill.

Section 311 adopts section 910(a) of the Senate bill. It requires a report on the FAA's cost allocation system.

89. ENVIRONMENTAL STREAMLINING

House Bill

Section 305: Requires DOT to develop and implement a more expedited environmental review process similar to the one in TEA 21.

Senate Amendment

No provision.

Conference Substitute

Section 310: Requires DOT to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects. The purpose of the study would be to determine if there are ways to streamline the environmental review process for such projects. A report is due in one year.

90. OCEANIC ATC SYSTEM

House Bill

No provision.

Senate Amendment

Section 416: Requires FAA to report on plans to modernize the oceanic air traffic control system.

Conference Substitute

Section 312: Senate but put in management reform Title.

91. TECHNICAL CLARIFICATIONS TO EXISTING BAN ON LAWYER SOLICITATION OF FAMILIES

House Bill

Section 401(a): Extends the ban to accidents involving foreign airlines in the U.S. Extends ban to associates, agents, employees or other representative of a lawyer.

Extends ban from 30 to 45 days.

Includes enforcement provision.

Senate Amendment

No provision.

Conference Substitute

Section 401(a): House.

92. COUNSELING SERVICES AFTER ACCIDENTS

House Bill

Section 401(b): Prohibits states from preventing out of state mental health workers of the designated organization from providing counseling services for 30 days (which can be extended for an additional 30 days after accident.

Senate Amendment

No provision.

Conference Substitute

Section 401(b): House.

93. NON-REVENUE PASSENGERS

House Bill

Section 401(c) and 403(a): Extends protections of Family Assistance Act to people aboard aircraft who are not paying passengers.

Senate Amendment

No provision.

Conference Substitute

Section 401(c) and 403(a): House

94. TECHNICAL CHANGE TO FAMILY ASSISTANCE ACT

House Bill

Section 401(d) and 402(c): Moves a free-standing provision into Title 49.

Senate Amendment

No provision.

Conference Substitute

Section 401(d) and 402(c): House

95. U.S. AIRLINE DISASTER ASSISTANCE PLANS

House Bill

Section 402(a): Requires U.S. airlines to update their plans by adding—

Assurance that they will inform family whether relative had reservation on the flight;

Assurance that airline employees will receive adequate training in disaster assistance.

Assurance that if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S., it will consult with the NTSB and the State Department.

Senate Amendment

No provision.

Conference Substitute

Section 402(a): House.

96. LIMITATION ON LIABILITY

House Bill

Section 402(b): Protects U.S. airlines from liability if they inadvertently give inaccurate information to a family about a flight reservation.

Senate Amendment

No provision.

Conference Substitute

Section 402(b): House but replaces the term ''flight reservation'' with the term ''preliminary passenger manifest''. The terms have essentially the same meaning but preliminary passenger manifest is the term already used in new section 4113(b)(14) of Title 49.

97. FOREIGN AIRLINE DISASTER ASSISTANCE PLANS

House Bill

Section 403: Requires foreign airlines to update their plans by adding an assurance that their employees will receive adequate training in disaster assistance and will consult with the NTSB and the State Department if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S.

Senate Amendment

No provision.

Conference Substitute

Section 403: House

98. DEATH ON THE HIGH SEAS ACT (DOHSA)

House Bill

Section 404: Amends Title 49 to make DOHSA inapplicable to airline accidents. This applies to any lawsuit that has not been decided by a court or settled.

Senate Amendment

Section 431: Amends DOHSA in the event of a commercial aviation accident to allow recovery of nonpecuniary damages for wrongful death (loss of care, comfort and companionship). For all beneficiaries of the decedent either (1) up to $750,000 adjusted for inflation in the case of commercial aviation accidents, or (2) the pecuniary loss sustained, whichever is greater. No punitive damages. Includes inflation adjustment. Applies to any death after July 16, 1996.

Conference Substitute

Consistent with Executive Order 5928, December 27, 1988, the territorial sea for aviation accidents is extended from a marine

league to 12 miles. The effect of this is that the Death on the High Seas Act will not apply to planes that crash into the ocean within 12 miles from the shore of the United States. The law governing accidents that occur between a marine league and 12 miles from land will be the same as those that now occur less than a marine league from land. For those accidents that occur more than 12 miles from land, the Death on the High Seas Act will continue to apply. However, in those cases the Act is modified as in the Senate bill except that there is no $750,000 cap on damages.

99. EMERGENCY LOCATOR TRANSMITTERS (ELTS)

House Bill

Under current law, ELTs are required on turboprop aircraft with certain exceptions.

House Bill: Section 510—Requires ELTs on small turbojet aircraft with the following exceptions (similar to those in current law)—

Aircraft used in scheduled flights by certificated scheduled airlines;

Aircraft used in training operations within 50 miles of the airport;

Aircraft used for design, testing, manufacture, preparation and delivery;

Aircraft used in R&D if the aircraft holds the necessary certificate;

Aircraft used for showing compliance, crew training, exhibition, air racing, and market surveys;

Aircraft used for agricultural spraying;

Aircraft with a maximum payload capacity of more than 7,500 pounds when used for commercial passenger or cargo air service.

Aircraft capable of carrying only one person such as ultra-light aircraft.

Specifies the type of ELT that must be used and directs the issuance of regulations and the effective date of those regulations as 1/1/2002.

Senate Amendment

Section 404: The following exceptions to current ELT requirements are eliminated: turbojet-powered aircraft, aircraft holding R&D certificates, aircraft when used for crew training and market surveys. ELT requirements would apply to these aircraft.

States what kind of ELTs would meet requirements. Requires FAA rule by 2002.

Conference Substitute

House, but increase the payload capacity (which is defined in section 119.3 of the FAA rules) to 18,000 pounds. This would cover aircraft up to about 60 seats. FAA is required to issue rules implementing this change by January 1, 2001. These rules should take effect on January 1, 2002. However, FAA may extend the effective date by 2 years to ensure a safe and orderly transition or for other safety reasons. The effect is to require business jets and small air charters to equip with ELTs so they can be located after a crash.

100. CARGO TCAS

House Bill

Section 501: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that provides protection from mid-air collisions and resolution advisory capability that is at least as good as TCAS–II. FAA may extend this deadline by 2 years if that would promote safety.

Senate Amendment

Section 402: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that is TCAS II equipment or a similar system approved by the FAA for collision avoidance. FAA may extend the deadline for 2 years if that would promote an orderly transition or other safety or public interest objectives.

Conference Substitute

Section 502: House.

In 1997, the FAA announced that it expected to establish a date for final recommendations for installation of collision avoidance systems in cargo aircraft. Three years later, the FAA still has not acted. Therefore, the conferees have mandated that FAA require a collision avoidance system in cargo planes by a date certain. The Managers urge the FAA to act expeditiously on this.

101. LANDFILLS

House Bill

Section 511: Prohibits new landfills within 6 miles of a small airport unless the State aviation director requests an exemption from the FAA and the FAA determines that the landfill would not adversely affect air safety.

Senate Amendment

No provision.

Conference Substitute

Section 503: House with modifications. The limitation on the construction of landfills, does not apply to the expansion of existing municipal solid waste landfills.

Alaska has more than 250 villages and small towns; most of these communities are densely packed with only one main dirt road through town, unconnected to any other road system. The vast majority of these townsites are no larger than 2 square miles. Wilderness or other state or federal conservation land surrounds many of these villages. Most of the airstrips serving these communities are immediately adjacent to the villages. A provision requiring any landfill to be at least 6 miles from the airport would be unworkable in Alaska because of these constraints, the harsh arctic environment, and the enormous capital expenditures necessary to build roads and secure federal permits to establish landfills in wilderness or refuge lands. Therefore, this provision does not apply in Alaska. There are many other similar exceptions for Alaska in title 49.

102. MARKING OF LIFE-LIMITED PARTS

House Bill

Sections 507: Requires FAA to issue rules to determine the best way to ensure the safe disposition of life-limited civil aviation parts. Provides 180 days for the proposed rule and 180 days for the final rule. Also provides for civil penalties for failure to mark.

Senate Amendment

No provision.

Conference Substitute

Section 504: House.

103. BOGUS PARTS AND CERTIFICATE REVOCATION

House Bill

No provision.

Senate Amendment

Section 405: Prohibits the certification or hiring of a person (individual or company) that has been convicted of a violation of a law relating to counterfeit parts, or the certification of a company that is subject to a controlling or ownership interest of a convicted individual. FAA required to revoke certificates on the same basis, with appeal procedures built in. FAA can waive revocation if a law enforcement official requests it, and it will facilitate law enforcement. Certificates can be amended to limit convicted individuals' controlling interest.

Conference substitute

Section 505: Senate with modifications.

104. BOGUS PARTS AND CRIMINAL PENALTIES

House Bill

No provision.

Senate Amendment

Section 464: Applies to a person who knowingly engages in interstate commerce concerning any aircraft or space vehicle part, and who conducts this business fraudulently. If the fraudulent part is installed in aircraft or space vehicle, fine of up to $500,000 and up to 25 years in prison. If the fraudulent part results in serious bodily injury or death, fine of up to $1,000,000 and up to life in prison. If an organization commits the offense, fine of up to $25 mil. Otherwise, fine under Title 18 U.S.C. and up to 15 years in prison. District courts empowered to divest interest in and destroy parts inventories, impose restrictions on future employment in same field, and to dissolve or reorganize the related enterprise. Property and proceeds derived from enterprise to be forfeited.

Conference Substitute

Section 506: Senate with modifications. It is intended that the penalties for the failure of parts to operate as represented in (b) (2) and (3) only applies to aircraft and space vehicle parts.

105. HAZMAT

House Bill

Section 512: Makes clear that ignorance of the law is no excuse with respect to hazmat regulations but may be considered in mitigation of the penalty.

Senate Amendment

Section 435: Directs FAA to make elimination of the backlog of hazardous materials enforcement cases a priority and that the laws in this area are carried out in a consistent manner. FAA shall report quarterly to the Senate Commerce Committee on its progress.

Conference Substitute

Section 507: House.

106. CRIMINAL HISTORY RECORD CHECKS

House Bill

No provision.

Senate Amendment

Section 306(1): Permits criminal history record check for security screeners.

Conference Substitute

Section 508(a): Senate

107. PILOT RECORD SHARING

House Bill

Section 502: Exempts the military from the requirement to provide records. Limits the records that must be provided to those that involve the individual's performance as a pilot. Allows an airline to hire a pilot even if it has not received records from a foreign entity if it has made a good faith effort to obtain them. FAA may allow designated individuals to have electronic access to pilot record database.

Senate Amendment

Section 306: The same provision with respect to individual's performance as a pilot and records from foreign entities. No provision on military records or on allowing designated individuals to have access to the records.

Conference Substitute

Section 508(b): House with privacy terms to ensure that information from database is only obtained by person who needs info for hiring decision and that information is only used for that purpose.

108. CRIMINAL PENALTIES FOR AIRLINE PILOTS FLYING WITHOUT A LICENSE

House Bill

No provision.

Senate Amendment

Section 309: Provides for fines and maximum 3 years imprisonment for airline pilots who fly without a license and for individuals, but not companies, that hire them. Fines and prison terms increase if the individual is

smuggling drugs or aiding in a drug violation.

Conference Substitute

Section 509: Senate.

109. FLIGHT OPERATIONS QUALITY ASSURANCE (FOQA) RULES

House Bill

Section 505: Requires FAA to issue a proposed rule within 30 days protecting airlines and airline employees from civil enforcement actions for disclosures made under FOQA. The Final rule is due 1 year after the comment period closes.

Senate Amendment

Section 409: Same provision except 90 days is allowed for the issuance of the proposed rule and it applies to all enforcement actions for violation of the FARs that are reported or discovered as a result of voluntary reporting programs (such as FOQA and ASAP), other than criminal or deliberate acts. No requirement on final rule.

Conference Substitute

Section 510: Senate; except that 60 days is allowed for the issuance of the proposed rule.

110. UNRULY PASSENGERS

House Bill

Section 508: Subjects unruly passengers to fine of $25,000 and a possible ban on commercial air travel for one year.

Senate Amendment

Section 406: Imposes fine of $10,000 on person who interferes with the crew or poses a threat to the safety of the aircraft.

Title XV: Imposes fine of $25,000 on person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Attorney General may set up a program to deputize state and local airport law enforcement officials as deputy U.S. marshals for enforcement purposes.

Conference Substitute

Section 511: Senate. $25,000 fine. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

111. AIR TRANSPORTATION OVERSIGHT SYSTEM

House Bill

Section 509: Requires FAA to submit an annual report for the next 5 years on its progress in implementing its new airline inspection system.

Senate Amendment

Section 417: Beginning in 2000, FAA shall report biannually on the air transportation oversight system (inspector training) announced on May 13, 1998.

Conference Substitute

Section 513: Requires reports on August 1, 2000 and August 1, 2002. Takes elements of report contents from both bills.

112. RUNWAY SAFETY AREAS

House Bill

Section 139: Makes arrester beds described in a FAA circular eligible for AIP grants and directs FAA to do a rulemaking to improve runway safety through arrestor beds, longer runways, or other means.

Senate Amendment

Section 403: Requires FAA, within 6 months, to ''solicit comments on the need for'' improvement of runway safety areas and installation of precision approach path indicators.

Conference

Section 514: Adopts Senate ''solicit comments'' language in lieu of House rule-making language. Adds limitation stating that in making grants for Engineered Materials Arresting Systems the Secretary shall require that the sponsor demonstrate that the effects of jet blast have been adequately considered.

Also adds a provision to cover situations where an airport's runways are constrained by physical conditions. In those situations, the FAA is directed to consider alternative means for ensuring runway safety when prescribing conditions for runway rehabilitation grants.

Section 515: Senate provision on precision approach path indicators.

The conferees urge the Administrator to encourage all civil airport certified under FAR Part 139 CFR to have standard runway safety areas in accordance with the most cost effective and efficient method described in FAA circulars in the numbered 150 series.

113. AIRCRAFT DISPATCHERS

House Bill

Section 516: Within one year, FAA shall study the role of aircraft dispatchers including an assessment of whether dispatchers should be required for cargo and commuter airlines and whether FAA inspectors should be assigned to oversee dispatchers.

Senate Amendment

No provision.

Conference Substitute

Section 516: House.

114. TRAINING FOR MECHANICS

House Bill

Section 517: FAA and industry shall develop a model program to improve training for mechanics.

Senate Amendment

No provision.

Conference Substitute

Section 517: House.

115. SMALL AIRPORT CERTIFICATION

House Bill

Section 506: Requires FAA to issue proposed small airport certification standards within 60 days after enactment and Final rules within 1 year of the close of the comment period.

Senate Amendment

No provision.

Conference Substitute

House

116. FIRE AND RESCUE PERSONNEL

House Bill

Section 513: Directs FAA to conduct a rulemaking on the mission of rescue personnel, rescue response times, and needed extinguishing equipment taking into account the need for different requirements for airports of different sizes.

Senate Amendment

Section 450: Requires FAA study within 6 months on current and future airport safety needs, focusing on rescue personnel, response time, and extinguishing equipment. If FAA recommends revisions to part 139, study must include a cost-benefit analysis.

Conference Substitute

No provision.

117. MAINTENANCE IMPLEMENTATION PROCEDURES (MIPS)

House Bill

Section 514: Prohibits FAA from entering into a MIP unless the foreign nation is inspecting repair stations to ensure their compliance with FAA standards.

Senate Amendment

No provision.

Conference Substitute

No provision.

118. INJURIES TO AIRPORT WORKERS

House Bill

Section 515: Directs FAA to study, within one year, the number of workers injured or killed as a result of being struck by moving vehicle on the airport tarmac.

Senate Amendment

No provision.

Conference Substitute

House.

119. SAFETY RISK MITIGATION PROGRAM

House Bill

Section 504: Requires FAA to issue guidelines encouraging safety risk mitigation programs such as self-disclosure programs.

Senate Amendment

No provision.

Conference Substitute

No provision.

120. AERONAUTICAL CHARTING TRANSFER

House Bill

Section 736: The FAA shall consider procuring mapping and charting services from the private sector if that would further the mission of the FAA and be cost effective.

Senate Amendment

Title VIII: Transfers to FAA the Department of Commerce responsibilities and offices for aeronautical charting.

Conference Substitute

Title VI: Senate provisions except that (1) the current special VFR route provision in section 44721 is retained and (2) the authority to conduct aerial and field surveys is not transferred.

Section 607 adopts the provision from the House bill.

121. DUTIES AND POWERS OF THE ADMINISTRATOR

House Bill

Section 701: Lists FAA duties.

Senate Amendment

Section 701: Technical corrections. The sections listed should be the same as the House's.

Conference Substitute

Section 701: House and Senate.

122. PUBLIC AIRCRAFT

House Bill

Section 702: Restates the definition of public aircraft in a way that is intended to have fewer double negatives and be more understandable. It also permits a military aircraft to carry passengers for reimbursement without losing its public aircraft status when Federal law requires that reimbursement. The Provision clarifies that carriage of prisoners is considered part of the law enforcement function and therefore can be performed by public aircraft. Permits public aircraft to fly charters for DOD if DOD designates the flight as being in the national interest. Requires NTSB to do a study comparing the safety of public and civil aircraft.

Senate Amendment

Section 209: Permits public aircraft to be used to transport passengers if those passengers are involved in prisoner transport.

Conference Substitute

Section 702: Revises the title of subsection (a) since there are some substantive changes in the law. Inserts ''regulation or directive on November 1, 1999'' after ''Federal law'' in new section 40125(a)(1) because an OMB circular may be the basis for the requirement that reimbursement be paid. Makes clear in new section 40125(c)(2) that an aircraft of the

National Guard of a state, territory, Puerto Rico, or the District of Columbia can operate as a public aircraft only when it is operated under the direct control of the United States Department of Defense. Paragraph (c)(1)(B) of new section 40125 takes account of the other missions that military aircraft may be called upon to provide and allows a military aircraft to operate as public aircraft if it is performing a governmental function and operating under the titles specified in that paragraph.

Two of these changes have been of concern to commercial helicopter operators. One would allow a military aircraft to be operated under the more lenient rules governing public aircraft if it was used in the performance of a governmental function. The other change would allow a government aircraft to retain its public aircraft status even when receiving compensation for the flight as long as a Federal law or directive required the compensation on the date of enactment.

With respect to the first concern, the conference substitute limits the qualifying governmental function to those performed under titles 14, 31, 32, or 50 of the U.S. code.

With respect to the second concern, the conference substitute limits the law or directive to those in effect last year. This will prevent the military or other Federal agency from issuing rules now to take advantage of this new exception.

With these changes, the managers believe that they have achieved a balance between the needs of the military and the legitimate interests of commercial aircraft operators.

123. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

House Bill

Section 703: Exempts bid submissions from the Freedom of Information Act except for certain unsuccessful bids.

Senate Amendment

No provision.

Conference Substitute

Section 703: House.

124. MULTIYEAR PROCUREMENT CONTRACT

House Bill

Section 704: Allows 10-year contracts for telecommunication services using satellites if that would be cost beneficial.

Senate Amendment

Section 436: Authorizes FAA to establish a pilot program (FY2001–2004) to test long-term contracts for leasing aviation equipment and facilities. No more than 10 contracts, each at least 5 years. Many include requirements related to oceanic and ATC, air-to-ground radio communications, ATC tower construction.

Conference Substitute

Section 704: Senate. Reference to telecommunications satellites as in the House bill. Contracts may enter into in fiscal years 2001 through 2003 but the terms of the contracts are not limited to those 3 years.

125. SEVERABLE SERVICES CONTRACTS

House Bill

Section 719: Amends procurement reform provision in the Appropriations Act. Notwithstanding the Federal Acquisition Streamlining Act, FAA may enter into contracts for services that begin in one year and end in another.

Senate Amendment

Section 301: Amends Title 49. FAA may enter into contracts for services that begin in one year and end in another, and obligations of funds for one fiscal year may carry over.

Conference Substitute

Section 705: Senate.

126. PROHIBITION ON RACIAL DISCRIMINATION IN AIRLINE TRAVEL

House Bill

Section 706: Prohibits racial discrimination.

Senate Amendment

Section 455: Prohibits discrimination at airports.

Conference Substitute

Section 706: House And Senate.

127. PROHIBITION ON DISCRIMINATION IN USE OF PRIVATE AIRPORTS

House Bill

No provision.

Senate Amendment

Section 455: Prohibits a state, county, city or municipal government from restricting the full enjoyment of a private airport on the basis of a person's race, creed, color, national origin, sex or ancestry.

Conference Substitute

Section 706: Senate

128. INTERNATIONAL STANDARDS FOR HANDICAPPED ACCESS

House Bill

Section 706(c): Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating to the U.S. subject to bilateral obligations under section 40105(b). Imposes a penalty of $10,000 for violations.

Senate Amendment

Section 407: Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that codeshare with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating in U.S. Each act of discrimination constitutes a separate violation. Each complaint shall be investigated and complaint statistics shall be publicly reported. Annual report to Congress. The government shall provide technical assistance to airlines and disabled people. Adds the section prohibiting discrimination against the handicapped to those subject to the $1,000 civil penalty. If the carrier that discriminated does not provide a credit or voucher to the passenger in the specified amounts, then the penalty will be that specified amount. Attorney's fees may be awarded if the court deems it appropriate.

Conference Substitute

Section 707: Senate provision insofar as it (1) directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers; (2) extends the existing prohibition on discrimination of foreign airlines operating to the U.S.; (3) states that each act of discrimination constitutes a separate violation; (4) requires that each complaint be investigated and complaint statistics be publicly reported; (5) mandates an annual report to Congress; and (6) requires that technical assistance be provided to airlines and disabled people. Civil penalties for violations are increased to $10,000. The extension of the prohibition on discrimination to foreign airlines is made subject to U.S. bilateral obligations as in the House bill.

129. SMOKING PROHIBITION, INTERNATIONAL FLIGHTS

House Bill

No provision.

Senate Amendment

Section 437: Extends the smoking restriction on domestic flights to segments of international flights that arrive in or depart from the U.S. Procedures established if foreign government objects to extraterritorial application of U.S. law.

Conference Substitute

Section 708: Senate.

130. JOINT VENTURES/ALLIANCES

House Bill

Section 707: Makes clear that the provision requiring notice of certain joint venture and alliance agreements apply only to those agreements where both parties are major airlines.

Senate Amendment

No provision.

Confernece Substitute

Section 709: House

131. ANIMAL TRANSPORTATION

House Bill

No provision.

Senate Amendment

Title XVII: Within 2 years of enactment, DOT will require each air carrier to submit to DOT details on animals on each flight. Any serious incident involving an animal must be reported to Department of Agriculture (DOA) and DOT. This information will be included in Air Travel Consumer Reports. Consumer complaints involving animals must be reported within 15 days by DOT to DOA. Annual reports under the Animal Welfare Act. Each air carrier to amend contract of carriage to lay out procedures for safe transport of animals. Civil penalty up to $5,000 for each incident involving the loss, injury or death of an animal during transport. If carrier at fault, carrier liable to owner for at least twice the liability for mishandled baggage, plus costs of animal treatment within 1 year of the incident. DOT to require carriers to upgrade cargo containers to provide airflow, and heating and cooling. After 1/1/00, carrier cannot carry animals unless it's made this upgrade. 3/31/02 report to Congress.

Conference Substitute

Section 710: The Managers have heard from animal rights activists and citizens who use airlines to transport animals. They have sharply differing views over the extent of the problem and the appropriate remedy. Accordingly, the Conference Report modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants stronger legislative remedies. Toward this end, scheduled U.S. airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry. DOT and the Department of Agriculture must enter into a MOU to ensure that the Agriculture Department receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publication. In the meantime, DOT is directed to work with airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

132. WAR RISK INSURANCE

Hosue Bill

Section 708: Extends the program until December 31, 2004.

Senate Amendment

Section 307: Extends the program until December 31, 2003.

Conference Substitute

Section 71: Senate.

133. IMPROVEMENTS TO LEASED PROPERTY

House Bill

Section 709: Allows FAA to pay for improvements to leased property even if the costs of the improvements exceed the costs of the lease if the cost of the lease is nominal and certain other conditions are met.

Senate Amendment

Section 420: Similar provision. No requirement that the cost of the lease be nominal.

Conference Substitute

Section 712: House.

134. HUMAN FACTORS PROGRAM

House Bill

No provision.

Senate Amendment

Section 413: Requires FAA to report on the Advanced Qualification Program, and its adoption among air carriers. FAA must address the concerns of the National Research Council on problems associated with human interface with ATC automation. FAA must work with the aviation industry to develop training curricula for the listed safety problems. FAA, with NTSB and the industry, must establish a process to assess human factors training as part of accident investigations. FAA must establish a test program to use model Jeppesen approach plates to improve nonprecision landing approaches. Training practices associated with flight deck automation must be updated within 12 months.

Conference Substitute

Section 713: Senate but delete Senate subsection (c) and change ''improve nonprecision landing approaches'' in Senate subsection (d), now subsection (b), to ''allow for precision-like approaches''. The FAA is directed to work with the representatives of the aviation industry and appropriate aviation programs associated with universities on this human factors program. The appropriate aviation programs could include a nonprofit Corporation involving academia. The Managers note that the State University of New York at Buffalo is already conducting this research.

135. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION

House Bill

Section 710: FAA may trade responsibilities with another country for the regulation of aircraft registered in each other's country. However, a country that does not meet ICAO standards could not be given responsibility for U.S. aircraft.

Senate Amendment

Section 304: Similar provision except there is not a specific prohibition on transferring responsibility to a country that does not meet ICAO standards.

Conference Substitute

Section 714: House.

136. PUBLIC RELEASE OF AIRMEN RECORDS

House Bill

Section 711: Requires airman records (name, address, and ratings) be made available to the public 120 days after enactment. Before making the address available, the airman shall be given the opportunity to have it withheld. A one-time written notification of one's right to withhold public release of this information shall be developed and implemented, in cooperation with the aviation industry, within 60 days.

Senate Amendment

No provision.

Conference substitute

Section 715: House but modified to ensure that new pilots are notified of their option to withhold this information from the public. The FAA and organizations representing pilots and other airmen should use their web pages and other appropriate means to notify airmen that they can elect not to have the information about them publicly released.

137. EMERGENCY REVOCATION OF CERTIFICATES

House Bill

Section 712: Gives a holder of a FAA certificate the right to appeal an emergency revocation of that certificate to the NTSB. If 2 Board Members determine that there was not an emergency, the certificate is restored, subject to review by the full Board within 15 days.

Senate Amendment

Section 311: Gives the holder of an FAA certificate the right to appeal the immediate nature of an emergency revocation of that certificate to the NTSB. Certificate holder must request review within 48 hours of the emergency revocation. NTSB has 5 days from the review filing to determine whether immediate certificate revocation should be stayed.

Conference Substitute

Section 716: Senate except the 48-hour period to file an appeal begins to run after receipt of the emergency order by the person rather than when it becomes effective. Also, the standard of review is modified.

138. GOVERNMENT AND INDUSTRY CONSORTIA

House Bill

Section 713: Permits FAA to establish consortia at airports to advise on security and safety matters. Such consortia shall not be considered Federal advisory committees.

Senate Amendment

Section 303: Similar provision.

Conference Substitute

Section 717: Senate.

139. PASSENGER MANIFEST

House Bill

Section 714: Changes ''shall'' to ''should'' in section 44909(a)(2).

Senate Amendment

Section 402: The same or similar provision. Relaxes passenger manifest requirements to say that full name, passport number, and emergency contact name and number should be included.

Conference Substitute

Section 718: House and Senate.

140. FEES FOR SERVICE TO FOREIGN ENTITIES

House Bill

Section 715: Permits fees to be collected for inspection, certification and similar services performed outside the U.S. except for fees for production-certification related services performed outside the U.S. pertaining to aeronautical products manufactured there.

Senate Amendment

Section 305: Similar provision.

Conference Substitute

Section 719: House.

141. CIVIL PENALTIES

House Bill

Section 716: Makes technical corrections.

Senate Amendment

Section 308: Same or similar provision.

Conference Substitute

Section 720: House and Senate.

142. WAIVERS FROM NOISE ACT

House Bill

Section 717: Gives foreign airlines the same right to seek waivers from the stage 3 compliance schedule as U.S. airlines. Also, allows stage 1 or stage 2 aircraft to be brought into the U.S. to sell the aircraft outside the U.S., to sell the aircraft for scrap, or to modify the aircraft to meet Stage 3 standards. Also, allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance.

Senate Amendment

Section 302: Requires DOT to allow stage 2 aircraft to be brought into the U.S. to sell, lease or use the aircraft outside the U.S., to scrap the aircraft, to modify the aircraft to meet Stage 3 standards, to perform scheduled heavy maintenance or significant modifications on the aircraft, to exchange the aircraft between the lessor and the lessee, to prepare or store the aircraft for any of the above activities, or to divert the aircraft to alternative airports for safety or ATC reasons in conducting any of the above flights. DOT required to establish procedure within 30 days for waivers or ferry permits. Allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance (including major alterations) or preventative maintenance. Exempts experimental aircraft from the stage 3 requirements.

Conference Substitute

Section 721. Adopts House section 717(a) giving foreign airlines the right to seek waivers similar to U.S. airlines.

Adopts the Senate provision with an addition stating that nothing in this section shall be construed as interfering with or otherwise nullifying determinations made or to be made under pending applications on November 1, 1999 by the Federal Aviation Administration pursaunt to Title 14, part 161 of the Code of Federal Regulations. Any waivers granted by public law 106–113 shall not be adversely affected by this provision and shall continue in effect.

143. LAND USE COMPLIANCE REPORT

House Bill

Section 737: Directs FAA to add a section to its annual report listing airports that are not in compliance with grant assurances with respect to airport land and explaining the corrective action that will be taken to address the problem.

Senate Amendment

No provision.

Conference Substitute

Section 722. House, but modified to make clear that FAA would list only those airports that it believes are not in compliance. It would not have to audit them or make a final determination before putting them on the list.

144. DENIAL OF AIRPORT ACCESS

House Bill

Section 154: Allows an airport, which will be required to obtain a certificate, to deny access to airlines that can only serve certificated airports if the airport does not intend to apply for such a certificate.

Senate Amendment

Section 421: Permits an uncertificated reliever airport located within 35 miles of a hub airport with adequate gate capacity to deny access to a public charter operator that provides notice to the public of its schedule.

Conference Substitute

Section 723: Prohibits an airline or charter operator from providing regularly scheduled charter air transportation (where the public is provided a schedule containing the departure location, departure time, and arrival location) to an airport that does not have an airport operating certificate from the FAA.

145. YEAR 2000 PROBLEM

House Bill

No provision.

Senate Amendment

Section 401: Requires FAA quarterly reports on Year 2000 problem through 12/31/00.

Section 457: Requires air carriers to respond to FAA by November 1, 1999, regarding their readiness for the Y2K problem as it relates to safety. If FAA doesn't receive response by then, must decide on the record whether to revoke certificate. FAA may reinstate certificate if carrier later submits sufficient information to demonstrate it is in compliance with applicable safety regulations as they relate to Y2K.

Conference Substitute

No provision.

146. STAGE 4 NOISE STANDARDS

House bill

Section 730: Requires FAA to continue to work to develop a new standard for quieter aircraft. Beginning March 1, 2000, FAA must submit annual reports to Congress on this work.

Senate Amendment

No provision.

Conference Substitute

Section 726: House except that the goals to be considered in developing these new standards are set forth and the annual report requirement does not begin until July 1, 2000.

147. TAOS PUEBLO

House Bill

No provision.

Senate Amendment

Section 429: Within 18 months, the FAA shall work with the Taos Pueblo and Blue Lakes Wilderness area to study the feasibility of conducting a demonstration to require all aircraft to maintain altitude of 5,000 feet.

Conference Substitute

Section 727: Study in Senate bill modified to also study whether itinerant general aviation aircraft should be exempt.

148. AIRCRAFT SITUATION DISPLAY DATA

House Bill

Section 721: Requires any person that receives aircraft situational display data from the FAA to be able to, and to agree to, block aircraft registration numbers if the FAA asked that they be blocked. Also requires any existing agreement with the FAA to obtain aircraft situational display data to conform to the requirements above.

Senate Amendment

Section 427: Similar provision.

Conference Substitute

Section 729: House and Senate.

149. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS

House Bill

Section 722: Authorizes $2 million and the hiring of personnel to reduce the backlog of equal employment opportunity complaints.

Senate Amendment

No provision.

Conference Substitute

Section 730: House but does not specify the account from which the money will come.

150. EASEMENT IN CALIFORNIA

House Bill

Section 724: Grants an easement to facilitate construction of the California State Route 138 bypass.

Senate Amendment

No provision.

Conference Substitute

Section 731: House provision but with documentation required of the California DOT to ensure that the benefit of the easement to the airports will be at least equal to the value of the easement being granted. This ensures that there is no revenue diversion in the transaction.

151. ALASKA AIR GUIDES

House Bill

Section 725: Requires Alaska air guides to be regulated under the FAA rules in 14 CFR Part 91 governing general aviation rather than the rules for a commercial operation. Also, directs the FAA to conduct a rulemaking to supplement the requirements of Part 91 with additional requirements for Alaska Air Guides that are needed to ensure air safety.

Senate Amendment

Section 411: Similar provision.

Conference Substitute

Section 732: House with an insert at the end of paragraph (b)(2)(G) as follows: In making such a determination, the Administrator shall take into account the unique conditions associated with air travel in Alaska to ensure that such actions are not unduly burdensome. Also, in paragraph (c)(2)(C) put a period after ''guide services'' and delete everything that follows.

This section is designed to impose additional safety regulations on Alaska Guide-Pilots. However, since the flight services they provide are incidental to the hunting, fishing and other guide services provided, Alaska Guide-Pilots are distinctly different than air taxis and commuter carriers, which are governed by the FAA regulation set forth in Part 135. This section is intended to impose enhanced safety requirements on Alaska Guide-Pilots. However, such safety requirements are intended to be less burdensome and less costly than those set forth in Part 135 which are applicable to air taxis and common carriers. Nothing in this section, including subparagraph (b)(2)(G), is intended to authorize the FAA Administrator to treat Alaska guide pilots as de facto Part 135 operators.

152. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE

House Bill

Section 738: Makes funds available from TEA 21 to establish, at a closed or realigned army depot, a facility to serve as a satellite data repository and to analyze transportation data collected by government and industry.

Senate Amendment

No provision.

Conference Substitute

Section 733: House.

153. FOREIGN REPAIR STATION ADVISORY PANEL

House Bill

Section 726: Panel established by DOT.

12 members as follows: 3 from the unions; 1 from cargo airlines; 1 from passenger airlines; 1 from aircraft repair stations; 1 manufacturers; 1 from air taxi and corporate aircraft; 1 from commuters; 1 from Commerce; 1 from State; and 1 from FAA.

Requires DOT, by rule, to collect information on balance of trade and safety issues from airlines and repair stations, both U.S. and foreign, relating to work performed on U.S. and foreign aircraft.

Requires collection of information on drug testing at foreign repair stations and encourages DOT to work with ICAO to increase drug testing programs.

Requires DOT to make any relevant nonproprietary information available to the public. Terminates the panel 2 years after the date of enactment or December 31, 2001, whichever occurs first.

Senate Amendment

Section 426: Panel established by FAA.

11 members as follows: 3 from unions; 1 from cargo airlines; 1 from passenger airlines; 1 from aircraft and component repair stations; 1 from manufacturers; 1 from industry group not mentioned above; 1 from DOT; 1 from State; and 1 from FAA.

Requires FAA, by rule, to collect information from foreign repair stations to assess safety issues with respect to work performed on U.S. aircraft only. FAA may require this information from U.S. airlines with respect to their use of U.S. repair stations.

Requires collection of information on drug testing at foreign repair stations.

Information collected must be made public.

The panel shall terminate after 2 years. FAA shall report annually to Congress on the number of repair station certificates that were revoked, suspended or not renewed in previous year.

Conference Substitute

Section 734: House provision except FAA establishes the panel. In developing its advice, the panel may consider the similarities and differences in the FAA regulations for initial certification and renewal of those certificates of foreign and domestic repair stations, the similarities and differences in FAA operating regulations of those stations, a comparison of the inspection findings resulting from surveillance, a comparison of the manner in which FAA inspection findings are addressed and documented by the certificate holders and the FAA, a comparison of the number of FAA enforcement actions resulting in a final order of civil penalty or certificate action, and a comparison showing the extent to which maintenance performed by repair facilities has been found to be the probable cause or contributing factor in any accident investigation performed by the NTSB. The panel should also look at the ability of the FAA to adequately oversee foreign repair stations.

154. OPERATIONS OF AIR TAXI INDUSTRY

House Bill

Section 727: Requires the FAA to study the air taxi industry to increase the government and industry's understanding of the size and nature of the industry with a view toward using this information in the context of future regulatory actions.

Senate Amendment

No provision.

Conference Substitute

Section 735: House

155. NATIONAL AIRSPACE REDESIGN

House Bill

Section 728: States that it is the sense of Congress that the FAA should complete and begin implementing the comprehensive national airspace redesign as soon as possible.

Senate Amendment

Section 909: FAA is required to conduct a comprehensive redesign of the national airspace system, and report to the authorizing committees no later than 12/31/00. Authorizes $12 mil FY2000–2002.

Conference Substitute

Section 736: Senate.

156. AVOIDING DUPLICATION OF ENVIRONMENTAL WORK

House Bill

Section 729: Permits an airport to use a completed environmental assessment or environmental impact study for a new project at the airport if the completed assessment or study was for a project that is substantially similar to the new project and meets all Federal requirements for such a study or assessment.

Senate Amendment

Section 418: Similar provision.

Conference Substitute

Section 737: House

157. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS

House Bill

Section 731: Encourages the FAA to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

Senate Amendment

Section 466: AIP funds may be available for Georgia's regional airport enhancement program.

Conference Substitute

Section 738: House.

158. CINCINNATI BLUE ASH AIRPORT

House Bill

Section 732: Allows Blue Ash Airport to be sold by the city of Cincinnati to the city of Blue Ash. Subsection (b) makes the revenue diversion restrictions inapplicable to this transaction.

Senate Amendment

Section 441: Similar provision, but does not allow for any revenue diversion.

Conference Substitute

Section 739: House but make subsection (b) discretionary with FAA. The Managers have accepted a House provision allowing for the sale of Cincinnati-municipal Blue Ash Airport to the City of Blue Ash, Ohio, in advance of the expiration of current grant assurances in 2003. Blue Ash Airport is an important reliever airport to Lunken Field and the conferees have agreed to this provision solely because it will extend the current grant assurances at Blue Ash until 2023.

The conferees remain concerned about the FAA's willingness to enforce grant assurances. Therefore the conferees direct that should the Secretary approve the sale, a Memorandum of Understanding (MOU) must first be entered into between the FAA and the City of Blue Ash. The MOU must be enforceable by the FAA and protect the existence of the airport until at least 2023. Should the City of Blue Ash receive federal airport funding during this period the conferees expect normal grant assurances will extend the life of the airport beyond 2023.

159. AIRCRAFT USED TO RESPOND TO OIL SPILLS

House Bill

Section 733: Allows the Defense Department to sell aircraft for use in responding to oil spills.

Senate Amendment

Section 425: Allows the Defense Department to sell excess aircraft for use in responding to oil spills. Aircraft can be used for secondary purposes as long a they don't interfere with oil spill response. DOT certifies to DOD that recipient is capable of participating in an oil spill responsive plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

Conference Substitute

Section 740: Senate except makes clear that if secondary purposes for which the aircraft will be used would require a certificate from the FAA, such a certificate must be obtained before the aircraft can be used for those secondary purposes.

160. DISCRIMINATION AGAINST COMPUTER RESERVATION SYSTEMS OUTSIDE THE U.S.

House Bill

Section 734: Allows the secretary of transportation to take action to prevent a foreign country from discriminating against U.S. computer reservation systems.

Senate Amendment

No provision.

Conference Substitute

Section 741: House.

161. SPECIALTY METALS CONSORTIUM

House Bill

No provision.

Senate Amendment

Section 442: Authorizes FAA to work with domestic metal producers and engine manufacturers to improve the quality of engine materials.

Conference Substitute

Section 742: Senate. This section would allow the FAA to work with a proven consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials. Improving the ability of these materials to withstand stress and high temperature will lead to fewer air carrier accidents and improved air safety.

162. INTERNATIONAL FLIGHT CREW LICENSING

House Bill

No provision.

Senate Amendment

Section 451: Requires FAA to implement a bilateral aviation safety agreement for conversion of flight crew licenses between U.S. and JAA member governments. Attempts to address a rule promulgated by JAA that makes conversion of U.S. licenses to JAA licenses difficult.

Conference Substitute

No provision.

163. NOISE STUDY AT SKY HARBOR AIRPORT

House Bill

Section 741: Directs FAA to study the effect on noise contours of the new flight patterns at Phoenix and report within 90 days on measures to mitigate noise. Report shall be available to the public.

Senate Amendment

No provision.

Conference Substitute

Section 746: House.

164. HELICOPTER NOISE

House Bill

Section 742: Directs DOT to study the effects of noise by non-military helicopters and develop recommendations for reducing noise. Helicopter industry and public views must be considered and a report filed in 1 year.

Senate Amendment

No provision.

Conference Substitute

Section 747: House but limit the study to densely populated areas, such as New York or Los Angeles, in the 48 states. The study should focus on air traffic control procedures rather than new aircraft technology to address the noise problem and should take into account the needs of law enforcement.

165. NEWPORT NEWS, VIRGINIA

House Bill

Section 723: The airport shall be released from certain deed restrictions subject to standard conditions imposed in other cases.

Senate Amendment

No provision.

Conference Substitute

Section 748: House but change ''shall'' to ''may''.

166. OKLAHOMA DEED WAIVER

House Bill

No provision.

Senate Amendment

Section 445: Allows FAA to waive restrictive terms in a deed of conveyance so that an Oklahoma university may make use of revenues derived from certain airport land only for weather-related and educational purposes that include benefits for aviation.

Conference Substitute

Section 751: Senate but require that if the land is sold the airport must receive fair market value for it and that the money should be applied in the first instance to the airport and, if funds remain available, to weather-related and educational purposes that primarily benefit aviation.

167. GRANT PARISH (LA)

House Bill

No provision.

Senate Amendment

Section 452: Permits U.S. to release any restrictions on land at the former Pollock Army Airfield (LA), provided the U.S. has access to or use of the lands in the event of national emergency. Clarifies that mineral rights will not be disturbed in any event.

Conference Substitute

Section 752: Senate but require that if the land is sold, fair market value must be received for the land and any money so received must be used for airport purposes. Drop reference to mineral rights.

168. RALEIGH COUNTY (W.VA.)

House Bill

No provision.

Senate Amendment

Section 449: Allows DOT to release from any terms and conditions in grant agreements for the development or improvement of Raleigh County Memorial Airport (W. Va.), if land not needed for airport purposes.

Conference Substitute

Section 753: Senate but require any amount received from a sale to be used for airport purposes.

169. FAA STUDY OF BREATHING HOODS

House Bill

No provision.

Senate Amendment

Section 432: FAA shall study whether smoke hoods currently available to flight crews are adequate and report the results within 120 days.

Conference Substitute

No provision.

170. STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA & COCKPIT VOICE RECORDERS

House Bill

No provision.

Senate Amendment

Section 433: FAA shall report on the need for alternative power sources for FDRs and CVRs within 120 days. If NTSB issues recommendations on this subject soon, FAA shall report to Congress the FAA's comments on the NTSB's recommendations rather than conducting a separate study.

Conference Substitute

Section 755: Senate.

171. TARDIS

House Bill

No provision.

Senate Amendment

Section 447: Requires the FAA to develop a national policy and procedures regarding the Terminal Automated Radar Display and Information System and sequencing for VFR ATC towers. TARDIS is an uncertified radar display system in use by controllers at 7 small facilities.

Conference Substitute

Section 756: Senate.

172. 16G SEATS

House Bill

No provision.

Senate Amendment

Section 448: Requires FAA, in consultation with DOT IG, to conduct a cost-benefit analysis prior to issuing a final rule on its decade-old proposal to retrofit aircraft with 16G seats.

Conference Substitute

Section 757: Modified Senate provision. FAA shall form a working group to make recommendations on ways to reduce the cost and time of certifying aircraft seats and restraints.

173. SENSE OF SENATE, NORTHERN DELAWARE

House Bill

No provision.

Senate Amendment

Section 458: Sense of Senate that DOT should include northern Delaware in any Part 150 study for Philadelphia International Airport, that DOT should study moving the approach causeway for the Philadelphia airport from Brandywine Hundred to the Delaware River and that DOT should study increasing the standard altitude over the Brandywine Intercept from 3,000 to 4,000 feet.

Conference Substitute

Section 758: Senate.

174. TOURISM

House Bill

No provision.

Senate Amendment

Section 422: Establishes a task force for international visitor assistance. Requires the Secretary of Commerce to complete a satellite system of accounting for the travel and tourism industry. Authorizes funding for tourism promotional activities. Requires annual report to Congress.

Conference Substitute

No provision.

175. CABIN AIR QUALITY STUDY

House Bill

No provision.

Senate Amendment

Section 459: Requires DOT to study sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air supply.

Conference Substitute

Section 725: Requires FAA to contract with the National Academy of Sciences for an independent study of the air quality in passenger cabins. The study should identify contaminants in aircraft air, the toxicological and health effects, if any, if these contaminants, and how these contaminants enter the aircraft. The study should also compare the levels of these contaminants in the passenger cabin to such levels in a public building. This comparison should be done by measuring the air during actual commercial flights. If a problem is found, the study should develop recommendations for improving cabin air quality. This should include an assessment of whether health problems would be reduced by the replacement of recycled air with fresh air.

176. NATIONAL PARK OVERFLIGHTS

House Bill

Title VIII: Requires commercial air tour operators to conduct air tour operations over a National Park or tribal lands within or abutting a National Park in accordance with an approved air tour management plan (ATMP). Prior to commencing air tour operations over a National Park, a commercial air tour operator must apply to the Administrator of the FAA for authority to conduct operations over the park. The Administrator of the FAA would prescribe operating conditions and limitations for each commercial air tour operator, and in cooperation with the Director of the National Park Service (NPS), develop an ATMP.

Senate Amendment

Title VI: Similar provision.

Conference substitute

Title VIII: Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a commercial air tour operator must apply to the FAA for authority to conduct the tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in any 30-day period. If the ATMP limits the number of air tour flights over a park, FAA, in cooperation with the Park Service, shall develop an open competitive process for choosing among various air tour firms. In making a selection, the firms' safety record, experience, financial capability, pilot training programs, responsiveness to Park Service needs, and use of quiet aircraft shall be taken into account.

FAA, in cooperation with the Park Service, shall establish an air tour management plan (ATMP) for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives for using quiet aircraft. Prior to the establishment of an ATMP, the FAA shall grant interim operating authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited. Reports are required on the effect of overflight fees on the air tour industry and on the effectiveness of this title in providing incentives for the development and use of quiet aircraft.

This provision is not intended to interfere with FAA's sole jurisdiction over airspace.

Except for section 808, dealing with methodologies used to assess air tour noise, this title does not apply to Alaska.

177. RESEARCH, ENGINEERING AND DEVELOPMENT

House Bill

No provision. However, on September 15, 1999, the House passed related legislation (H.R. 1551, House report 106–223). Of the amounts authorized for Airport Technology Projects and activities in FY 2000, the House Science Committee intends that at least $1,500,000 shall be for obligation for grants or cooperative agreements awarded through a competitive, merit-based process to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport improvements. To the extent practicable, the Administrator shall consider awards to universities, and non-profit concrete pavement research foundations that would ensure industry participation. Of the amounts authorized to be appropriated for the Airport Technology Projects and activities in FY 2001, the Committee intends that at least $2,000,000 shall be for this purpose. The Committee recognizes that taxpayers spend $2 billion a year on runway pavements construction and maintenance. Investing today in research to develop longer-lasting and more reliable runways has the potential to save millions of dollars later.

Senate Amendment

Title XIII: Authorizes $240 million for FY 00, $250 mil for FY 01, and $260 million for FY 02. Encourages cooperation, nonduplication and integrated planning. Requires FAA and NASA by 3/1/00 to submit an integrated civil aviation research and development plan. The abstracts related to research grants will be published on the FAA home page. Research on life of aircraft to include nonstructural aircraft systems. Requires FAA to develop and transmit a plan for the continued implementation of Free Flight Phase I for FY03–FY05, to include budget estimates for continuing operational capabilities. Sense of Senate that FAA should develop a national policy to protect the frequency spectrum used for GPS, and to expedite the appointment of U.S. Ambassador to the World Radio Communication Conference.

Conference Substitute

Title IX: Combines the Senate bill and H.R. 1551. Authorizes funding for fiscal years 2000, 2001, and 2002 at $224 million, $237 million, and $249 million respectively.

Of the amounts authorized for Airport Technology Projects and activities, that $1,500,000 in FY 2000 and $2,000,000 in FY 2001 may be for grants of cooperative agreements to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport pavements. The Administrator shall consider awards to non-profit concrete pavement research foundations that would ensure industry participation.

Winglet efficiency/wake vortex—The conferees recommend that such sums as necessary be expended for research, prototyping, and flight testing winglet efficiency/wake vortex technology, which reduces fuel consumption and reduces the severity of wake vortex creation potential allowing more efficient spacing of aircraft. The Managers also direct FAA to work in consultation with NASA on this research.

High Speed Technologies. The Managers have been made aware of high-speed technologies that are being developed that could provide expedited delivery of goods. Such technologies have other capabilities. The Managers direct the Administrator to report, by letter, on FAA actions to facilitate the use of such technologies within low-orbit and traditional air traffic procedures.

178. TAX TITLE

Present Law

The present-law Airport and Airway Trust Fund provisions in the Internal Revenue code (the ''Code'') authorize expenditures from the Trust Fund through September 30, 1998, for the purposes provided in specified previously enacted authorization Acts (sec. 9502). Permitted expenditure purposes under these Acts are those as in effect on the date of enactment of the Federal Aviation Reauthorization Act of 1996.

House Bill

The House bill includes provisions expanding Airport and Airway Trust Fund expenditure purposes to include expenditures provided for in (1) the House bill and (2) appropriations Acts enacted after 1996 and before the House bill. The House bill further includes provisions to discourage future Trust Fund expenditures for purposes not approved in the Code provisions.

Senate Amendment

No provision. However, S. 2279, as previously passed by the Senate, included provisions identical to those in the House bill.

Conference Substitute

The conference agreement includes the provisions of the House bill, with modifications to conform the Airport and Airway Trust Fund expenditure purposes of the conference agreement.

179. BUDGETARY TREATMENT

House Bill

Title IX and X. Takes the aviation trust fund off budget.

Senate Amendment

No provision.

Conference Substitute

The conference includes a compromise provision.

180. WHISTLEBLOWER PROTECTION FOR AIRLINE EMPLOYEES

House Bill

Title VI: Prohibits airlines and their contractors or subcontractors from taking adverse action against an employee whom provided or is about to provide (with any knowledge of the employer) any safety information. Requires complaints be filed within 180 days. Establishes procedures to protect whistleblowers. Provides $5,000 penalty for an employee that files a frivolous complaint. Defines contractor. Establishes civil penalties for violations.

Senate Amendment

Section 419: Prohibits airlines and their contractors from taking adverse action against an employee whom provided or is about to provide any safety information. Requires complaints be filed at DOL within 90 days. Establishes procedures to protect whistleblowers. Defines contractor. Establishes civil penalties for violations. Frivolous complaints are governed by Rule 11 of the Federal Rules of Civil Procedure.

Conference Substitute

House provision but reduce the penalty for frivolous complaints to $1,000.

181. CENTENNIAL OF FLIGHT COMMISSION

House Bill

Section 720: Makes technical changes to legislation passed last year (P.L. 105–389) establishing a Commission to help celebrate the 100th anniversary of the Wright Brothers first flight.

Senate Amendment

No provision.

Conference Substitute

No provision. Addressed in Public Law 106–68.

182. ALLOCATION OF TRUST FUND SPENDING.

House bill

No provision.

Senate Amendment

Section 428: Treasury shall annually report to DOT on the aviation taxes collected in each State and DOT shall annually report to Congress the State dollar contribution to the Aviation Trust Fund and the amount of AIP funds that were made available by State.

Conference Substitute

No provision.

183. SENSE OF THE SENATE ON AIRPORT PROPERTY TAXES

House Bill

No provision.

Senate Amendment

Section 423: Senate of the Senate that property taxes be assessed fairly and a specific tax in Oregon should be repealed.

Conference Substitute

No provision.

184. MONROE REGIONAL AIRPORT LAND CONVEYANCE

House Bill

Section 739: Waives deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

Senate Amendment

Section 440: Authorizes DOT to waive deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

Conference Substitute

No provision.

185. AUTOMATED WEATHER FORECASTING SYSTEM

House Bill

Section 740: Directs FAA to contract with the National Academy of Sciences to study the effectiveness of automated weather forecasting services at flight service stations that do not have human weather observers. Report required in 1 year.

Senate Amendment

No provision.

Conference Substitute

No provision.

186. BANKRUPTCY, ROLLING STOCK EQUIPMENT

House Bill

No Provision.

Senate Amendment

Section 439: Amends Sec. 1110 of the Bankruptcy Code to clarify its operation and remove the ambiguity created by recent federal court decisions in the Western Pacific bankruptcy case. Because of this litigation, uncertainty exists in the international financial community regarding whether Sec. 1110 effectively protects both lessors and lenders in connection with bankruptcy adjudication.

Conference Substitute

Senate.

187. COORDINATION

House Bill

No provision.

Senate Amendment

Section 101(b): The authority granted the Secretary under section 41720 does not affect the Secretary's authority under any other provision of law.

Senate Amendment

Section 231: Senate.

188. RELIEVER AIRPORTS

House Bill

No provision.

Senate Amendment

Section 205(e): Changes definition of public-use airport to make privately owned reliever airports ineligible for grants if they did not receive an AIP grant before 1997, and the FAA has issued revised administration guidance for the designation of reliever airports.

Conference Substitute

No provision.

MISCELLANEOUS PROVISIONS

Security. The Managers believe that vigilance must be constantly maintained in the civil aviation security program. An indispensable element of that program is the employment history verification requirement that 14 C.F.R. sections 107.31 and 108.33 impose on those persons seeking unescorted access to any secured area of U.S. airports. Airport operators and air carriers are responsible for conducting or making sure not only that their employees are subject to such verifications but also that tenant and contractor employees undergo the same employment history scrutiny.

The Managers understand that the Federal Aviation Administration is developing audit procedures to determine compliance with the verification requirement. Members of the aviation community, including airport operators and airlines, are submitting comments responding that proposal. The Committee urges the FAA to complete promptly a workable audit program that appropriately reflects input from affected members of the aviation community. The FAA is currently conducting a fingerprint background check pilot program. If this proves successful, the FAA should consider expanding the program to Category X airports.

The Southern California Region Airspace Utilization. The conferees urge the FAA to study airspace utilization in the southern California region as part of the National Airspace Redesign. This study will help the region to determine how to handle increasing demands for cargo and passenger air service and effectively address future transportation issues.

Broadcasting series. An effective, efficient, and safe aviation system improves American's quality of life and strengthens our Nation's ability to compete in the global economy. It is important that the public understands the vital role that aviation plays in our Nation's advancement. The conferees strongly encourage that funds authorized for FAA Operations be made available to fund a public service series on the changing face of aviation in the 21st century. The series should highlight technological and programmatic advances in aviation safety and operations.

Feasibility study. The Managers direct the FAA to proceed with the planned study for the Louisiana Airport Authority outlined in the FAA December 7, 1999 memo. This study should include the feasibility of an intermodal facility, take into account existing aviation assets, and, if feasible, work with the appropriate management.

Cargo. Air cargo is growing faster than any other aviation industry, approximately 6.6% per year. With this type of growth, the conferees recognize the need to evaluate the air cargo distribution process. We urge DOT to conduct an intermodal study of the air cargo supply chain to identify system weakness and potential efficiencies to ensure the U.S. air cargo system can meet the needs of air freight in the 21st century.

BUD SHUSTER,
DON YOUNG,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
THOMAS W. EWING,
STEPHEN HORN,
JACK QUINN,
VERNON J. EHLERS,
CHARLES F. BASS,
EDWARD A. PEASE,
JOHN E. SWEENEY,
JAMES L. OBERSTAR,
NICK RAHALL,
WILLIAM O. LIPINSKI,
PETER DEFAZIO,
JERRY F. COSTELLO,
PAT DANNER,
EDDIE BERNICE JOHNSON,
JUANITA MILLENDER-MCDONALD,

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

CONNIE MORELLA,
RALPH M. HALL,

Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
CONRAD BURNS,
SLADE GORTON,
TRENT LOTT,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,

From the Committee on the Budget:

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
KENT CONRAD,

Managers on the Part of the Senate.

WELCOME TO THE REVEREND DR. FRANK RICHARDSON

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

Mr. CARDIN. Mr. Speaker, I am pleased today to introduce our guest chaplain, Dr. Frank Richardson.

Dr. Richardson currently holds positions as assistant professor, Department of Psychiatry and Behavioral Sciences at Johns Hopkins University School of Medicine and staff psychologist, Outpatient Psychiatry Department at Baltimore's Kennedy Krieger Institute. In addition to his current responsibilities, he brings to us rich life experiences as a Methodist minister of 9 years in Lansdowne, Pennsylvania, a board member of Baltimore's Hamden Family Center, work with the Catholic Charities Programs in San Diego, and as a chaplain intern for a number of schools and hospitals in Massachusetts.

This blend of experiences offers us a unique perspective of faith reflecting a wide variety of pastoral views, regional differences, all focused on the special care we must bring to each other and especially our children.

It is our honor to have Dr. Richardson and his family with us today.

RADIOACTIVE WATER

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

Mr. GIBBONS. Madam Speaker, safe, clean drinking water is something that many people often take for granted. Unfortunately, Nevadans may not have the luxury of assuming that their drinking water is safe or clean anymore. Recently, groundwater tests near the Nevada test site showed levels of radioactivity that were 25 times higher than allowed under the Federal safe drinking water standard. EPA studies have confirmed that due to the high volcanic activity in Nevada, radioactivity from deep within the earth's surface has surfaced and entered the groundwater supply.

This is a real and serious environmental threat for Nevada, the Nation's third most seismically active State. Yet, Madam Speaker, there are some who still support the development of a permanent nuclear waste repository at Yucca Mountain, which is located right in the middle of this volcanic activity. I for one will not support risking the health of millions of people and millions of children who merely want a cold, nonradioactive glass of water to drink.

I yield back the dangerous and illogical plan to shift nuclear waste to Nevada.

PERMANENT TRADE RELATIONS FOR CHINA

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

Mr. ROEMER. Madam Speaker, today the President of the United States sends up the permanent normal trade relations bill to the United States Congress. This will be one of the most important trade and foreign policy votes not only of this Congress but maybe of our careers. I would hope there would be bipartisan support for this bill, bipartisan support for making sure that we change the status quo today.

Right now, China has access to our markets. We do not have fair access to the Chinese markets. Under this new bill, we give up nothing and we get new access in agriculture, telecommunications, industry across the board to the Chinese markets. If we are going to support in a bipartisan way constructive engagement with the Chinese as five previous Presidents, Democrats and Republicans, have done, we need to engage the Chinese when we disagree with them on human rights and the Catholic Church. We need to engage the Chinese on the trade deficit. But we must pass this permanent trade relations act in a bipartisan way.

HONORING CHAMPIONSHIP SOCCER TEAMS FROM 16TH DISTRICT OF PENNSYLVANIA

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

Mr. PITTS. Madam Speaker, today I rise to honor two more championship soccer teams from my district, the Downingtown Whippets and the West Chester Henderson Warriors.

The Downingtown varsity boys triple A soccer team are the 1999 Pennsylvania State champions. These young athletes from a traditional sports powerhouse worked hard to build themselves into a trophy-winning team. I want to congratulate them on their success.

The Henderson varsity girls triple A soccer team holds the State girls championship. These ladies have continued a tradition of winning for Henderson. They have been State champs 4 out of the last 5 years. Two years ago they not only won Pennsylvania but were ranked number one in the Nation.

I am proud to say that both of these outstanding teams are from Chester County, Pennsylvania. They will be here tomorrow to receive the congratulations of many.

So three teams, Octorara boys double A, Downingtown boys triple A and Henderson girls triple A, all from my congressional district, congratulations. You have made Chester County proud.

ABOLISH THE TAX CODE

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

Mr. TRAFICANT. Madam Speaker, the tax code accounts for 24 percent of the cost of an American-made automobile. Now, think about it. You buy a car made in America for $20,000 and $5,000 of it goes to satisfy the tax code. Beam me up. I say, let us throw the tax code out; let us abolish the IRS, pass a flat 15 percent savings tax. No more tax on education, savings, investment, corporations, capital gains. And one last thing. No more forms, no more IRS. Congress, let us handcuff the IRS to a chain link fence and flog them with the income tax code.

I yield back the millions of audits and gouging of the American taxpayers.

URGING PASSAGE OF AID PACKAGE TO COLOMBIA

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

Mr. BALLENGER. Madam Speaker, in a few weeks, the House will consider a supplemental appropriations bill that includes a much-needed comprehensive aid package to Colombia. The purpose of this package is to help that nation fight its war against the narcoterrorists that threaten its very survival.

We must help the Colombians fight the drug lords because in the process it will help us take Colombian drugs off our own streets. Right now, 80 percent of the cocaine and 75 percent of the heroin which enters this country this day comes from Colombia.

While I believe that we must do our part to reduce the demand here, helping the Colombians fight the narcoterrorists where they live will slow the flow of drugs which are poisoning our own communities. Choosing not to help, as we did last fall, will only embolden the drug lords, who, in the absence of a comprehensive aid package, could more openly and freely continue peddling death to the American children.

Madam Speaker, I urge the immediate passage of the aid package to Colombia.

INFORMING CONGRESS ABOUT THE STATE OF THE DISTRICT OF COLUMBIA

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, periodically, I come before this body simply to inform it about the state of the District of Columbia. Mayor Tony Williams gave his State of the District address this week. Only one year after taking office, he was able to show significant improvements in every area of life in the District of Columbia.

This was a city down on its knees only a few years ago. Now, it is about to go into the fourth year of a balanced budget and a surplus. The Mayor and the City Council have shown, definitively, that they know what they are doing. Anybody who looks around this city can see the difference.

I hope that this body will leave the micromanagement of the District to the District. What the Mayor and the Council deserve after the improvements we have seen, is a clean appropriation, which after all, consists mostly of money from the District, and respect from this body so that elected officials in the city can, in fact, run the city.

SUPPORT HABITAT ENHANCEMENT ROTATION OPTION (HERO) BILL

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

Mr. BEREUTER. Madam Speaker, American farmers are facing enormously difficult times. Producers continue to struggle with plentiful supplies and low prices. While there are no easy answers to this problem, there are some steps we can take to help farmers.

Today, this Member is introducing a bill based upon extensive farmer and conservationist input, which can be part of the solution and provide much-needed agriculture relief. The legislation is known as the HERO bill, which stands for Habitat Enhancement Rotation Option.

The HERO program would be voluntary and allow producers to enroll up to 25 percent of their cropland for periods of 2 to 4 years. It would complement the longer-term Conservation Reserve Program and thus provide farmers with payments as well as additional flexibility.

The HERO program is designed to be used during times like the present with high supplies and low prices. In addition to helping farmers, it would provide significant environmental benefits. It would help rehabilitate cropland, enhance soil and water conservation, and improve wildlife habitat.

Madam Speaker, the HERO program programs several options for farmers. For instance, producers could break the disease cycle, the weed cycles, plant short-term cover crops and so on. It could be used by producers seeking to establish permanent pasture on marginal cropland.

I urge my colleagues to consider cosponsoring this legislation.

INTERNATIONAL ABDUCTION DAY FOUR

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

Mr. LAMPSON. Madam Speaker, today I rise to talk about another of the 10,000 American children who have been abducted to foreign countries, Amanda Johnson.

Amanda was abducted from her father, Thomas Johnson, who is an attorney with the United States State Department, to Sweden by her mother, Anne Franzen, in 1994. Amanda continues to be wrongfully withheld from her father, the rest of her American family, her home and her familiar environment, and her country, by her mother and the government of Sweden.

1015

Between December 1995 and June 1999, Amanda saw her father only on five occasions for a total of about 15 hours. Every element of joint custody has been violated. No school or medical records, no photographs, no information on activities or general welfare have been provided to Mr. Johnson.

Mr. Johnson and parents like him need our help. Madam Speaker, we must show respect and concern for the most sacred of bonds, the bond between a parent and a child.

When we look at a globe we see boundaries, but when it comes to reuniting families we must know no boundaries. We must bring our children home.

VETERANS' BUDGET ON RIGHT TRACK

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

Mr. STEARNS. Madam Speaker, today I want to talk about the veterans budget for the year 2001. Now, the administration has presented a budget, and it is a good start. The budget which was presented is much better than last year, which fell short in several areas, and that is why as the chairman of the Subcommittee on Health I have recommended an increase of $25 million above the President's request for medical research.

The committee has also recommended increasing the administration's proposed $60 million for State veterans home construction grant programs to $140 million.

As the sponsor of the Veterans Millennium Health Care Act, which requires VA to fund pending projects and to revise the priorities for the award of new grants, the proposed reduction in funding would result in projects being delayed another year or more.

This is a top priority for me. I will fight to get these proposed increases passed. Overall, the committee recommends a $100 million increase over the President's budget request. Veterans deserve our deepest respect and we must keep the promises we made to them.

ENVIRONMENTAL EXTREMISTS NEED TO MOVE OUT OF THE WAY OF DRILLING FOR OIL

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

Mr. DUNCAN. Madam Speaker, experts are now predicting that gas prices will soon go to $2 a gallon or perhaps even higher. This sudden big rise in gas prices is hurting lower income and working people most of all. It will hurt small towns in rural areas because their people usually have to drive further distances to work. It will hurt tourism and agriculture and trucking, and mean higher prices for airline tickets. The saddest part of this whole scenario is the Congress could easily keep this from happening.

The U.S. Geologic Survey estimates there are 16 billion barrels of oil in less than 1 percent of the coastal plain of Alaska. There are billions more barrels offshore from other States, yet environmental extremists do not want us drilling for any of this oil even though it could be done in an environmentally safe way. These extremists almost always come from wealthy or upper-income families and perhaps are not affected that much when prices go up and jobs are destroyed. Some of these environmental extremists even think it would be good for gas prices to go even higher so people would drive less.

If we allow gas prices to go much higher, Madam Speaker, millions of people, including millions of children, are going to suffer greatly.

GOVERNMENT WASTE CORRECTIONS ACT

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

Mr. METCALF. Madam Speaker, during my time in Congress I have tried to identify and stop wasteful spending. That is why I am pleased to rise today as a cosponsor of H.R. 1827, and support a bill that will stop overpayments to vendors by the Federal Government. The Government Waste Corrections Act requires executive agencies to conduct recovery auditing to identify and collect millions of dollars in overpayments.

We all know there are many cases of government waste. H.R. 1827 is vital to collecting back overpayments that otherwise would never have been detected. We have a responsibility to keep our government accountable, cut excessive spending, and terminate the unnecessary use of taxpayer dollars.

We can cut excessive spending and reduce our deficit so that in the future our children and grandchildren will not have to bear the excessive burdens of our debts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any recorded votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 2 p.m. today.

KEITH D. OGLESBY STATION

Mr. TERRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2952) to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station''.

The Clerk read as follows:

H.R. 2952

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, and known as the Orchard Park Station, shall be known and designated as the ''Keith D. Oglesby Station''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''Keith D. Oglesby Station''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2952, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, the gentleman from South Carolina (Mr. DEMINT) introduced H.R. 2952 on September 27, 1999, along with the entire South Carolina delegation as original cosponsors.

The Congressional Budget Office has reviewed the legislation and has estimated that its enactment would have no significant impact on the Federal budget and would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

This bill contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The legislation redesignates the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, presently known as the Orchard Park Station, as the Keith D. Oglesby Station.

Keith Oglesby was the postmaster of Greenville for 6 years. Unfortunately, sadly, tragically, he drowned last year while on vacation with his family. Among the many activities the postmaster was associated with are chairperson for the Greenville Counties Combined Federal Campaign for 5 years; postal co-chair for the Upstate Postal Customer Council and he served on the board of directors for 4 years and President for a year of Senior Action, an organization to provide and raise funds for social events for senior adults in Greenville County.

Mr. Oglesby was awarded the Benjamin Award, the Postal Service's top public relations honor. He received the second award posthumously. Postal employees, his peers and customers in Greenville have requested that Mr. Oglesby be remembered in the community where he lived, worked, and served.

Mr. Oglesby was known by his words, quote, ''do the right thing,'' end quote. I believe that such an honor initiated by one's own community is the right thing and I thank our colleague, the gentleman from South Carolina (Mr. DEMINT), for sponsoring H.R. 2952, naming a postal facility after postmaster Keith D. Oglesby, and I urge all of our colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

As a Member of the Committee on Government Reform, I am pleased to join my committee colleague, the gentleman from Nebraska (Mr. TERRY), in the consideration of two postal naming bills. Both bills honor a number of fine individuals who have contributed much to the improvement of their communities and States.

H.R. 2952 and H.R. 3018 have met the committee's sponsorship requirement and are supported by the entire South Carolina congressional delegation. In addition to and on behalf of the ranking minority member, the gentleman from Pennsylvania (Mr. FATTAH), I would like to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from New York (Mr. MCHUGH), for their support and assistance in the accommodation and timely consideration of these postal-naming bills.

As a member of the Committee on Government Reform, I am pleased to bring to my colleagues' attention H.R. 2952, legislation introduced by the gentleman from South Carolina (Mr. DEMINT). H.R. 2952 would designate a post office located at 100 Orchard Park Drive in Greenville, South Carolina, as the Keith D. Oglesby Station.

Mr. Oglesby was a tireless worker and community activist. As the Greenville postmaster, he took his position in the community seriously. He hosted the First-Day Issue ceremonies for the Organ & Tissue Donation Stamp, coordinated blood drives, and participated in the March of Dimes Walk America and the American Cancer Society's Relay for Life.

He was honored posthumously with a second Benjamin Award, the Postal Service's top public relations award, given in recognition of community outreach accomplishments.

I urge my colleagues to join in honoring Mr. Oglesby and to pass H.R. 2952.

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

Mr. TERRY. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT), the initiator and sponsor of this important legislation.

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

Mr. DEMINT. Madam Speaker, I thank the gentleman from Nebraska (Mr. TERRY) very much for managing this bill on the floor.

Madam Speaker, today the House will consider a bill which is very important to my hometown and to the people of Greenville, South Carolina. H.R. 2952 renames the Orchard Park Station of the Greenville Post Office in honor of the late Postmaster Keith D. Oglesby.

The tragic and unexpected death of Mr. Oglesby last summer shocked and saddened the community of Greenville.

As we have grieved his loss, we have also struggled to find a way to appropriately honor Mr. Oglesby in his contribution to the post office and to the community of Greenville.

Renaming a postal facility in his honor is one way to pay tribute to this outstanding citizen and beloved boss. The dedication of Keith Oglesby to his job and to serving others has aided those in the Greenville community, as well as the State of South Carolina and the Nation as a whole.

Among many other community service activities, Mr. Oglesby hosted the First Day of Issue ceremonies for the Organ & Tissue Donation Stamp. He filled Christmas stockings for the Salvation Army. He coordinated the postal blood drive. He participated in the March of Dimes Walk America and the American Cancer Society Relay for Life.

Mr. Oglesby also supported the work of the Greenville Family Partnership, which I am on their board, and he supported our efforts to keep kids safe and drug free.

He was honored by the Greenville Family Partnership as the volunteer of the year in 1997. As a supervisor, as has already been mentioned, he always told his workers to do the right thing. This motto permeated his actions and expectations to local postal customers, employees of the post office, and to higher management of the United States Postal Service.

We recognize his service to our community. He was also honored, as has been mentioned already today, with two Benjamin Awards, the Postal Service's top public relations honor given to recognize community outreach accomplishments.

In the word of a Greenville postal employee, renaming the facility in honor of Keith D. Oglesby is important, because, and I quote, ''Keith Oglesby, a man respected and admired by his peers, his employees and many, many postal customers, would always be remembered in a community which he proudly lived, worked and served.''

Madam Speaker, we are a success in this life when the people who know us the best love us the most.

1030

We received this morning a number of pages of quotes and comments from folks who had worked for Mr. Oglesby and knew him and I will submit them for the RECORD at this time.

The following quotes testify to the character of Keith D. Oglesby, who we seek to honor today by passing H.R. 2952, designating the Keith D. Oglesby Station.

As the past branch president for the local letter carriers' union, I had the honor of working with Keith Oglesby for more than five years. Keith's door was always open for any employee at any level, and when you spoke, he listened.

In my 30 years with the Postal Service, Keith was, without a doubt, a man who defined dignity and respect for all employees at all levels. He walked the talk—every day—every hour—every minute that I knew him.

I know I will never meet another like him, and for this, I am sad. But I'll never forget his kind, smiling face, and I'll always smile when he walks through my memories.

STEVEN B. GIBSON,
US Postal Service.

If you close your eyes and think for a moment of the kind of person you would most like to have as a friend, a father, a brother or a neighbor, Keith will come to mind.

He was fun and funny: interesting and interested; caring and carefree; warm and giving in all walks of his life. I appreciate to opportunity to have worked with Keith through the Upstate Postal Customer Council.

CAROLYN THOMPSON,
Liberty Life.

I met Keith when I became a member of the Upstate Postal Customer Council Executive Board in 1996.

He was energetic, kind-hearted and had a great sense of humor. He had a genuine concern for people and always greeted you with a smile.

Keith was an inspiration and a *blessing* to all who knew him. We will miss him dearly!

KATHY JENKINS,
Clemson University.

In every way, Keith Oglesby consistently provided an example of being a superior manager of the public's trust, while being a warm, interactive employer and a human being.

HUGH M. HAMPTON, Jr.,
Manager, Marketing,
US Postal Service.

Keith believed in the power of positive reinforcement to achieve goals. While others may have resorted to threats or predictions of gloom and doom, Keith inspired each person the encountered to live up to their full potential, not only with his words, but with his actions.

Because of his belief in the basic good in everyone, the ''impossible'' became the ''possible'' and achievable.

CAROLYN CLARK,
US Postal Service.

Daryel (Keith) was a devoted and loving husband; a caring and encouraging father; a faithful friend and a Man among Men.

Daryel (Keith) always welcomed people with open arms, accepting them for who they were, never judging but always supporting.

STEPHEN JETER,
Family Friend.

Keith Daryel Oglesby never met a stranger. His love and caring for everyone he met was truly an inspiration.

Our forty-year friendship with Keith has allowed us to witness his dedication to his family, work and friends with the most wonderful combination of sincerity, responsibility energy and humor. We were blessed to have been a part of his life.

TOMMY AND JEANNIE BARRET,
Family Friends.

Keith always put the important things in their proper perspective—like family, a worthy cause, menitoring others, health and doing things he loved. His memory is a source of strength to all who knew him.

GUYNELL BROWN,
US Postal Service.

Not only did Keith always look for and see the best in people, he also helped others see the best in themselves. He was a person who truly ''walked the talk.''

SANDRA TAYLOR,
US Postal Service.

Keith was the most genuine person I ever met. He always made everyone feel comfortable and at ease. He was everyone's friend.

JEANNE BROWN,
Greenville Marriott.

Keith Oglesby was a kind, gentle and honorable man—someone you knew you could trust.

JIM HARDWICK,
Hardwick Printing.

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1. A friend to everyone.
2. Caring for others—senior citizens, employees, and visitors.
3. Patience—willing to listen to those who had an opinion, either good or bad.
4. Placed the customer first.
5. Motivator.
6. Encourager—encouraged people to take the worst moments in their lives and make them positive.
7. Loyal—Keith was loyal to the employees at the lowest level of work to the senior management in the organization.
8. Time—Keith would take the time to hear from a dissatisfied customer, an employee with a problem or someone who needed his help.
9. A futurist—looking at a problem and able to see the positive in every situation.
10. A loyal Florida State graduate and Seminole fan.

TOMMY ABBOTT,
US Postal Service.

Keith Oglesby was the most compassionate and caring person you could ever hope to work for. No employee was too small; nor was time ever too short for Keith to take a minute to talk.

THOMAS TURNER,
US Postal Service.

Keith was the finest neighbor and family man ever. He was a kind, humble person—a gentleman's gentleman.

People who met him didn't just like him—they LOVED him. There was no gray area.

ROBERT MOON,
Retired postal employee, friend and neighbor.

KEITH DARYEL OGLESBY, A SPECIAL FRIEND, JUNE 5, 1947–JUNE 7, 1999—POSTMASTER, GREENVILLE, SC, DECEMBER 26, 1992–JUNE 7, 1999

LOVED BY ALL—MISSED BY ALL

(By Tommy Abbott, June 10, 1999)

He must have been born happy and with a smile;
It must have remained there when he was a child.
He kept it there throughout his adult life—this smile on his face,
He shared it with everyone he met no matter what the place.
He must have been born with a big heart that had an unusual beat.
It was a heart that cared for the people he would meet.
A heart that would listen to those who wanted to talk;
No matter who the person was or the path they had walked.
He must have been born with a caring mind;
He always had an attitude that was sweet and kind.
When others had a need, he would place them first;
And give them food, or water to meet their thirst.
He must have been born with happy feet;
He would walk around and encourage those he would meet.
If he found that you were disappointed with life or a little down;

He would cheer you up and you were glad he was around.
He must have been born with a gift of encouragement;
It was one of those gifts that God would have sent.
He was good at encouraging others and lifting them up;
It only took his smile, his voice, or sharing coffee in a cup.
He must have been born with the ability to look ahead;
Because he was normally thinking what to do or what to be said.
He had the answers for problems or trouble that came his way;
They seemed to disappear when you listened to what he had to say.
Keith was born and one day, like everyone, he had to die;
That is something we all face in this present life.
But he has come onto our life's path and taught us many lessons;
On looking at the best in life and be happy for no reasons.
God went into the garden the other day to pick some flowers;
He didn't have to spend all day searching or even an hour.
He saw one flower, it was a beauty and happy in life's breeze;
He said that is My flower, I will take it home;
And Keith smiled.

Madam Speaker, I ask my colleagues to vote in favor of House Resolution 2952. The Keith D. Oglesby Station would be a permanent memorial of the steadfast service of Keith Oglesby to the Greenville community and to the United States Post Office.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 2952.

The question was taken.

Mr. TERRY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LAYFORD R. JOHNSON POST OFFICE, RICHARD E. FIELDS POST OFFICE, MARYBELLE H. HOWE POST OFFICE, AND MAMIE G. FLOYD POST OFFICE

Mr. TERRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3018) to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the ''Marybelle H. Howe Post Office'', as amended.

The Clerk read as follows:

H.R. 3018

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

SECTION 1. LAYFORD R. JOHNSON POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 301 Main Street in Eastover, South Carolina, shall be known and designated as the ''Layford R. Johnson Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Layford R. Johnson Post Office''.

SEC. 2. RICHARD E. FIELDS POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, shall be known and designated as the ''Richard E. Fields Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Richard E. Fields Post Office''.

SEC. 3. MARYBELLE H. HOWE POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 557 East Bay Street in Charleston, South Carolina, shall be known and designated as the ''Marybelle H. Howe Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Marybelle H. Howe Post Office''.

SEC. 4. MAMIE G. FLOYD POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, shall be known and designated as the ''Mamie G. Floyd Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Mamie G. Floyd Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3018, as amended.

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

There was no objection.

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

Madam Speaker, H.R. 3018, introduced by the gentleman from South Carolina (Mr. CLYBURN) on October 5, 1999, and cosponsored by each member of the South Carolina House delegation, designates the U.S. Post Office located at 557 East Bay Street in Charleston, South Carolina, as the Marybelle H. Howe Post Office. The legislation was approved, as amended, by the Subcommittee on the Postal Service on October 21, 1999, and forwarded to the Committee on Government Reform, as amended. The Committee ordered the legislation be reported, as amended, on October 28, 1999.

The Congressional Budget Office reviewed the legislation on October 29, 1999, and estimated that the enactment of H.R. 3018 would have no significant impact on the Federal budget and would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The amended legislation includes the provisions of H.R. 3018, H.R. 3017, H.R. 3018, and H.R. 3019, which were all introduced by the gentleman from South Carolina (Mr. CLYBURN) on October 5, 1999, and also cosponsored by the entire House delegation of the State of South Carolina.

Section 1 of the amendment, originally H.R. 3016, designates the U.S. Post Office located at 301 Main Street in Eastover, South Carolina, as the Layford R. Johnson Post Office. Reverend Johnson is a lifelong resident of Eastover. He was the son of farmers, and after working on the Works Progress Administration, an employee of the Civilian Conservation Corps and also for a lumber company, he became a full-time, self-employed farmer. He is associate pastor and steward emeritus at St. Phillip A.M.E. Church. Reverend Johnson has been a dedicated Meals-on-Wheels volunteer for 10 years. Additionally, he also volunteers to provide transportation to the polls on Election Day. Even at age 80, Reverend Johnson pastors, volunteers, farms, and lives by the Golden Rule.

Section 2 of the amendment, formerly H.R. 3017, designates the U.S. Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the Richard E. Fields Post Office. Richard Fields, born in 1920, received his B.S. in 1944 from West Virginia State College, then received his LLB in 1947 from Howard University. Mr. Fields served as a judge of the municipal court from 1969 to 1974 and then the family court from 1974 to 1980. He was elected to fill an unexpired term as judge of the ninth judicial circuit in 1980 and stills serves in that position.

Section 3 of the amendment, H.R. 3018, honors Marybelle Higgins, who was born in Georgetown, South Carolina. The third of six children, she helped in raising three younger siblings because of her mother's ailing health. She graduated with a degree in journalism from the University of South Carolina in 1937 and married Gedney Howe, whom she met there. The Howe family settled in Charleston, where Marybelle was a homemaker, active in the PTA, her church, and politics.

In 1950 she was elected President of Church Women United, a biracial group

which administered to the needs of migrant laborers and their families on Sea Island. In the late 1950s she worked with others to open Camp Care on John's Island to minister to the children of migrant workers. This later became known as the Rural Mission, Inc. Before her death, the mission honored Mrs. Howe by making her the first person to be placed on its Honor Roll. Her work for migrant workers was instrumental in establishing the South Carolina Commission for Farm Workers, which later became a model for Federal assistance programs.

Mrs. Howe also worked to help African Americans. She was named the founding chairman of the Charleston County Commission on Economic Opportunity. She served as a board member of the Charleston County Library for 25 years and chair of its board of trustees for many years. She served on the Board of Women Visitors of the University of South Carolina for several years and was honored by the university for her service to her church, to her community, and the university.

Marybelle Howe pursued her convictions even though they were not often popular in the eyes of her peers. She was a great inspiration to others, in addition to being a wife, mother, journalist, and community leader.

Section 4 of the amendment, originally H.R. 3019, designates the U.S. Post Office located at 4026 Lamar Street in Columbia, South Carolina, as the Mamie G. Floyd Post Office. Mamie Goodwin Floyd still lives in the house where she was born in Columbia. She attended Benedict College, graduating in 1943 with a degree in history. After graduation, Mamie Goodwin married J. Hernandez Floyd. Mrs. Floyd taught at various public schools, and then received her master's degree in education from South Carolina State College.

She is active in the Ridgewood Missionary Baptist Church, serving as its treasurer and being recognized twice with its Women of the Year Award. Mrs. Floyd became very interested in politics and encouraged voter registration and provided transportation to the polls. She was selected as an alternate delegate to the 1992 Democrat National Convention. She worked tirelessly to restore the historic Holloway House, a community center for home work assistance, enrichment programs, and senior citizens activities, which subsequently was renamed in her honor.

A devoted mother, she cared for her two sons who had sickle-cell disease before much was known about its treatment. She, however, encouraged others to get tested so that they could receive proper treatment. Mrs. Floyd, affectionately known as Miss Mamie Lee, is a source of inspiration to her community of Ridgewood in the Columbia area. I strongly encourage full support of H.R. 3018, as amended.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3018, as amended, names certain facilities of the U.S. Postal Service in South Carolina: The United States Post Office, located at 557 East Bay Street in Charleston, South Carolina, as the Marybelle H. Howe Post Office; the United States Post Office, located at 301 Main Street in Eastover, South Carolina, as the Layford R. Johnson Post Office; the United States Post Office, located at 78 Sycamore Street in Charleston, South Carolina, as the Richard E. Fields Post Office; and the United States Post Office, located at 4026 Lamar Street in the Eau Claire community of Columbia, South Carolina, as the Mamie G. Floyd Post Office.

These individuals, thoughtfully selected by the gentleman from South Carolina (Mr. CLYBURN), the sponsor of H.R. 3018, have made enormous contributions to their communities and states and deserve to be recognized by having a postal facility named in their honor. I urge my colleagues to join me in support of this important postal-naming measure.

H.R. 3018, as amended would make the following designations:

The United States Post Office located at 301 Main Street in Eastover, South Carolina, as the ''Layford R. Johnson Post Office.''

Reverend Johnson is a pillar of his community who has served his church as the associate pastor and has been a steward for over 20 years. He is currently a volunteer for Meals-On-Wheels, where he has served for almost two decades. He is the epitome of a community worker.

The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the ''Richard E. Fields Post Office.''

Judge Fields is a retired judge of the 9th Judicial Circuit in South Carolina. Hailing from Charleston, South Carolina, Judge Fields is widely known for his outstanding, fair, and judicious service to the Palmetto State.

The United States Post Office located at 557 East Bay Street in Charleston South Carolina, as the ''Marybelle Howe Post Office.''

Marybelle Higgins Howe is most well known for her pioneering efforts on behalf of migrant laborers. Under her guidance, the South Carolina Commission for Farm Workers was established. She worked tirelessly on behalf of the Charleston County Library, serving as a board member for over two decades and as Chair of the Board of Trustees. She has a remarkable history of service to the University of South Carolina.

The United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, as the ''Mamie G. Floyd Post Office.''

Mamie Goodwin Floyd served almost 40 years as a school administrator and then a teacher. She touched the lives of hundreds of students during her teaching career that spanned three decades in the public schools of Richland County. Although teaching was her profession, politics were, and are, her passion.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Speaker, let me begin by thanking the gentlewoman of the District of Columbia for yielding me this time and to thank the Chair for his comments on behalf of the four people for whom we are naming these post offices today.

I want to associate myself with the comments made by the gentleman and thank the gentleman so much.

I would like to add just a couple of personal notes, if I may, Madam Speaker. On the Post Office being named for Reverend Layford Johnson in Eastover, South Carolina, Reverend Johnson is now 82 years old and still active in his community and is someone for whom I hold the highest regard and someone for whom the community seems very, very pleased to honor this way. In fact, this is not a personal effort on my part. People from the community, the town of Eastover and surrounding communities came to me and asked that I pursue this on behalf of the community, and we started out on this some 3 years ago, and I am pleased to get to this point today.

The second Post Office, the one being named for Richard E. Fields. Richard Fields is now 79 years old. He is now retired from the Circuit Court of South Carolina, a longtime personal friend, one who lives in the community served by this post office and one of the early settlers in this particular community. Richard Fields has been a tremendous asset to the Charleston community and to South Carolina all of his life, and I am pleased to come before the House today as one of the sponsors of this legislation to have this post office honor Richard Fields in this way.

The third one, Marybelle Howe, that post office is on East Bay Street in Charleston, South Carolina. My colleagues have heard from the gentleman from Nebraska a lot about Mrs. Howe. It was my great honor at one point in my life to serve as the executive director of the South Carolina commission for farm workers. It was in that capacity that I got to know Marybelle Howe very well, and not just in an appreciation natural way, but in a very personal sort of way. In her resume we will find that she was a journalism graduate from the University of South Carolina and spent a lot of her time writing short stories for friends and family.

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One of the interesting things about Marybelle is that she had a brother who wrote children's books, and he would send these books to Marybelle, who would then bring them by my house to use my oldest daughter, Mignon, as sort of a guinea pig. She would read these stories to Mignon to see whether or not her brother had hit the mark in his writing of the books.

This led to a very personal relationship, and later on Marybelle became very active on behalf of not just migrants, but seasonal full-time workers out in the Sea Islands of South Carolina. Much of her work led to a bit of a social problem for her, because there were those who felt that this kind of

work was beneath the dignity of this lady from what we call below Calhoun Street in Charleston, but she never wavered in her commitment to those less fortunate.

I do believe that though she has passed on to a greater reward, the people of Charleston and the people of the low country, South Carolina, will do themselves a great honor in honoring her in this way.

Finally, Madam Speaker, the Post Office in the community of Eau Claire, just outside of Columbia, in fact, part of the city of Columbia in South Carolina, this Post Office we are pleased to name in honor of Mamie G. Floyd.

Mamie Floyd is a unique person. She is now 78 years old, a retired schoolteacher, retired some 20 years ago, but remaining active in her church, Ridgewood Baptist Church, where I worship occasionally with her and her pastor, Reverend Chavis, and other church members.

But Mamie Floyd is unique because, as the Chair mentioned, both her sons were stricken with sickle cell anemia, a disease that still befuddles medical experts. But it was one which made Mamie Floyd a greater person. She nurtured her children, and even her husband, who passed some 10 years ago.

When I see her today, she still remains a solid citizen, reaching out to others, working with the less fortunate, working on historic preservation projects in her community of Eau Claire. I think that this body will do Mamie Floyd, the community of Eau Claire, the city of Columbia, the State of South Carolina, great honor by passing this legislation.

Madam Speaker, I thank the chairman for his kind words about these four outstanding South Carolinians.

JUDGE RICHARD E. FIELDS

Richard E. Fields was born October 1, 1920 to John and Mary Fields. He attended West Virginia State College where he received his B.S. in 1944. He then went on to attend Howard University where he received a L.B.B. in 1947. In 1951, he married Myrtle Thelma Evans and together they had two children, Mary Diane and Richard E. Fields, Jr.

Mr. Fields served as a judge of the Municipal Court from 1969–1974. He then worked as a judge of the Family Court from 1974–1980. He was elected Judge of the Ninth Judicial Circuit on March 18, 1980 to fill the unexpired term of Clarence E. Singletary. He was qualified on June 20, 1980 and currently remains in that position.

MAMIE G. FLOYD

Mamie Goodwin Floyd was born September 4, 1921 to Lee and Mamie Scott Goodwin. She resides today in the house in which she was born in Columbia, South Carolina. Mrs. Floyd attended the Booker T. Washington School, from which she graduated in 1939. She entered Benedict College, majoring in history, and received a Bachelor of Arts degree in 1943. During her senior year, Mrs. Floyd accepted a position with the U.S. Rationing Board. Upon graduation, she married J. Hernandez Floyd of Statesboro, Georgia. To this union, two children were born: Hernan Augustus and Marion Donald (deceased).

In 1945, Mrs. Floyd accepted a position in the Registrar's Office at Benedict College, eventually becoming Assistant Registrar. After leaving Benedict College, she embarked on a teaching career in the Richland County (S.C.) Public Schools, first as a substitute teacher, then as a full-time professional in 1953. Mrs. Floyd taught at Saxon Elementary (1953–55), Roosevelt Village, now known as Edward Taylor Elementary (1955–57), Booker T. Washington School (1957–58), and Waverly Elementary (1958–1970). In 1959, she received a Master's degree in Education from South Carolina State College. She retired from Hand Middle School in 1981.

Mrs. Floyd has been active with the Ridgewood Missionary Baptist Church almost from its inception. As the daughter of one of the founders of Ridgewood, she has served with the Senior Choir, the Sunday School, and the Missionary Society. The Ridgewood Baptist Church Missionary Society has had two treasurers in its history—Mamie Scott Goodwin and Mamie Goodwin Floyd. The Missionary Society is an integral part of the Ridgewood community, preparing Thanksgiving baskets for the needy and visiting area nursing homes to spread God's word. For her many years of service to the church, Mrs. Floyd has been honored twice with the Woman of the Year Award.

Early in her career, Mrs. Floyd developed an interest in politics. She was the first African-American poll worker in the Ridgewood precinct, eventually serving as Executive Committee Person. In that capacity, Mrs. Floyd encouraged voter registration, provided transportation to the polls, and made candidates aware of the conditions in the Ridgewood community. She has held this position for the past twenty years. She became active in the Democratic party in the late 1970's, joining the Democratic Women and the Richland County Democrats. Mamie Floyd has worked tirelessly to promote local, regional and national Democratic candidates. The culmination of this devotion to duty came when Mrs. Floyd was selected as an alternate delegate to the 1992 Democratic National Convention.

Influenced by her mother, Mrs. Floyd also became active in the civic affairs of the Ridgewood community. She was instrumental in the formation of the Ridgewood Community Organization, which organizes clean-up drives and strives for the betterment of Ridgewood and the adjoining Eau Claire community. Through her work with the Ridgewood Foundation, Mrs. Floyd has been a part of the restoration of the Historic Holloway House. Originally a school for business instruction and a retail store, the Historic Holloway House is a community center for homework assistance, enrichment programs, and senior citizen activities. Mrs. Floyd sold commemorative bricks to help finance the restoration effort. She influenced members of Shandon Baptist Church to donate time and labor, and fed delicious meals to those who worked on the building. Because of her efforts on the building's behalf, the conference room of the Holloway House is named in her honor. Mrs. Floyd also helped to organize the Ridgewood Foundation Golf Tournament, now in its third year, to benefit the ongoing programs at the Holloway House.

Mrs. Floyd is a devoted mother who cared for two children with sickle-cell disease. At the time of the initial diagnosis, not much was known about the disease. Mrs. Floyd strongly urged other members of her family to be tested so that they could receive proper treatment. Although her eldest son Hernan was able to graduate from college and graduate school, her youngest son Donald suffered from brain damage as a result of the sickle-cell disease. She tenderly nurtured Donald until his death in 1977.

Mrs. Floyd enjoys working in her garden, and is an avid bridge player, belonging to one of the oldest African-American bridge clubs in Columbia, S.C. Although still active in the community and church, Mrs. Floyd enjoys visiting with her son and daughter-in-law Rosalyn in Augusta, Georgia. Affectionately known as ''Miss Mamie Lee'', she is a source of inspiration in the Ridgewood community and the Columbia area. On her 75th birthday, Mamie Floyd was honored by the South Carolina Legislature with a proclamation presented by the Honorable Timothy Rogers.

THE LATE MARYBELLE HIGGINS HOWE—APRIL 1, 1916–JULY 5, 1987

Marybelle Higgins was born in Georgetown, South Carolina. The daughter of James Stone and Belle Boone Higgins—the third of six children. Her two older brothers, James Thomas Higgins and Robert Knox Higgins, adored her. Due to her mother's illness, she helped raise her three younger siblings, Donald Stone Higgins, Theodora Higgins, and Anthony Boone Higgins. She attended the public schools in Georgetown until the vicissitudes of the Great Depression force her family to move to Hopewell, Virginia, where she completed high school.

Marybelle Higgins graduated from the University of South Carolina in 1937 with a degree in Journalism. While at the University, she was on the staff of the Gamecock newspaper, active in the little theater, a member of Euphrosynean Literary Society and a member of Alpha Delta Pi social sorority. She met her future husband, Gedney Main Howe, Jr., at the University where they managed the campaigns of opposing candidates for May Queen. It is a family joke that neither claimed to remember who won the election. After graduation, Marybelle went to work as a journalist for WIS radio in Columbia. She later moved to Richmond, Virginia, where she worked for WRNL radio and was a reporter for the Richmond Times-Dispatch newspaper.

Marybelle and Gedney married on April 17, 1942, in Pensacola, Florida. This was one of the places where he was stationed during World War II, prior to service in North Africa and the Pacific. They were to have four children—Belle Boone Howe, Gedney Main Howe III, Robert Gasque Howe, and Donald Higgins Howe—all of whom became attorneys. After the war, the Howes made their home in Charleston where Marybelle was a homemaker and Gedney was the Circuit Solicitor. She was active in the P.T.A. and the Second Presbyterian Church where she served as head of the Junior Department for many years. She was also active in the Democratic Party and was honored for her lifetime of service, shortly before her death.

In the 1950's Marybelle was elected president of Church Women United. This bi-racial group sparked her interest in a ministry for migrant laborers and their children on the Sea Islands south of Charleston. Marybelle and the Rev. Willis T. Goodwin opened Camp Care on John's Island in the late 1950's to minister to the children of migrant workers. This activity later blossomed into Rural Mission, Inc. which has a myriad of programs today to assist the residents of the Sea Islands. Rural Mission honored Marybelle Howe just before her death with a day long celebration, placing her name first on its Honor Roll.

Marybelle Howe's pioneering efforts on behalf of migrant laborers helped to establish the South Carolina Commission for Farm Workers which later served as a model for federal assistance programs. It was only natural that she be named the founding chairman of the Charleston County Commission on Economic Opportunity. Her work to help African-Americans during President Johnson's Great Society proved to be controversial among conservative Charlestonians and

she suffered social ostracism for her commitment to the poor. This did not cause her commitment to waiver; she continued to work on behalf of the poor for the rest of her life.

She also labored long and hard on behalf of the Charleston County Library, serving as a dedicated board member for 25 years, several as chairman of its board of trustees. The Library honored her after her death by re-dedicating the South Carolina room in her honor. She also served on the Board of Women Visitors of the University of South Carolina from 1962–1973 and again from 1981 until her death. The University of South Carolina Board of Trustees presented a Resolution to her family after her death, expressing its gratitude for her years of service to her church, her community and to the University of South Carolina.

Marybelle Howe, known for her zest for worthy causes, was a truly remarkable woman. Journalism was her chosen profession, and she was a writer all of her life. In addition to corresponding with family members weekly, she wrote a new short story as a gift for her children and friends each Christmas. She also enjoyed playing the piano, particularly ragtime pieces.

She was a wonderful wife, providing strength and balance in support of her husband's legal career. She was a wonderful mother, fair in her dealings with her children, inspiring them with her compassion for others and her non-judgmental nature. Marybelle's warmth and wit made others gravitate to her, and there was no doubt that she had a genuine love for people. She saw everyone as a ''basically nice person'' and knew the secret of inspiring others to bring out the best in themselves.

REV. LAYFORD R. JOHNSON

Rev. Layford R. Johnson, the son of the late Henry and Alice Johnson, was born in the Hickory Hill section of Lower Richland County, SC, 82 years ago. Rev. Johnson attended the Richland County Public Schools. He is a lifelong resident of Eastover, SC.

Rev. Johnson's parents, Henry and Alice Johnson were farmers. He said that some of the primary values they taught him, that he has taught to his children are honesty, and hard work.

Rev. Johnson worked in his earlier years on the WPX, as well as an employee of the CC Camp for two years, and for Holley Hill Lumber Company. Later he became a self employed farmer full time.

Rev. Johnson and Mrs. Evelina Hinton-Johnson are the parents of seven children. In addition they are the grandparents to fourteen (14) grandchildren, four great grandchildren, two daughters-in-law, two sons-in-law, two elderly aunts and a brother.

Rev. Johnson has always been and remains active in the work of the Lord. He is Associate Pastor at St. Phillip A.M.E. Church. He is also a Class Leader and Steward Emeritus, after twenty years of service as a Steward of the church.

Rev. Johnson is a Meals-On-Wheels Volunteer. He has served in this capacity for the past eighteen (18) years. Rev. Johnson is a dedicated and loyal volunteer. In addition, Rev. Johnson is very active in the political arena. He always volunteers his time on election day providing transportation to the polls.

Currently, Rev. Johnson, 80 years old is active in his volunteer work and pastoring. In addition, he still farms his garden. He is truly, an inspiration to his family and friends. Rev. Johnson believes and lives by the Golden Rule, ''Do unto others, as you would have others do unto you.''

Mr. SANFORD. Madam Speaker, I join my South Carolina colleagues to honor a fellow Charlestonian—Marybelle H. Howe. I think what Mrs. Howe represents is something we should all aim for and that is being an active part of our community.

Mrs. Howe was a wife and mother of four children, but that did not stop her from participating in her church and her community. In the 1950's, Mrs Howe was elected President of Church Women United, which brought her in touch with the migrant labor communities in the Seas Islands, just south of Charleston. In the late 1950's, Mrs. Howe and the Rev. Willis T. Goodwin opened Camp Care on Johns Island to minister to the children of migrant workers. This activity later blossomed into Rural Mission, Inc., which provides a wide variety assistance programs to the residents of the Sea Islands. Just before her death in 1987, Mrs. Howe was honored by Rural Missions, Inc. and her name was placed first on their Honor Roll.

Mrs. Howe's efforts with the poor raised the profile of the issue across the state. Her work with migrant labors helped to establish the South Carolina Commission for Farm Workers. She was also founding chairman of the Charleston County Commission on Economic Opportunity.

Mrs. Howe was also a dedicated board member of the Charleston County Library, serving 25 years, several as chairman of its board of trustees. Today, there is a Marybelle Howe Room at the library in her honor.

She also served on the Board of Women Visitors of the University of South Carolina from 1962–73 and again from 1981–86. After her death, the University of South Carolina presented a resolution to her family expressing its gratitude for her years of service to her church, her community and to the University of South Carolina.

I hope we can all, in some way, follow Mrs. Howe's example. Passage of this bill will not only honor this fine lady, but will also be a reminder of community spirit for all of us in Charleston. I am proud to cosponsor this legislation and I urge my colleagues to join me in honoring this woman's contributions.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 3018, as amended.

The question was taken.

Mr. TERRY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 49 minutes a.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 12 o'clock and 34 minutes p.m.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE BOB BARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jonathan Blythe, Chief of Staff of the Honorable Bob Barr, Member of Congress:

U.S. CONGRESS,
Washington, DC, February 28, 2000.

Hon. J. DENNIS HASTERT,
Office of the Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House of Representatives.

With warm regards, I am very truly yours,

JONATHAN BLYTH,
Chief of Staff,
Office of Congressman Bob Barr.

PROVIDING FOR CONSIDERATION OF H.R. 1827, GOVERNMENT WASTE CORRECTIONS ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. In lieu of the amendment recommended by the Committee on Government Reform now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI are

waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instuctions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

During the consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 426 is an open rule providing for the consideration of H.R. 1827, the Government Waste Corrections Act. This rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking member of the Committee on Government Reform.

The rule provides that, in lieu of the amendment recommended by the Committee on Government Reform and printed in the bill, that the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the resolution shall be considered as the original text for the purpose of amendment.

The rule waives clause 4 of rule XXI against provisions included in the amendment in the nature of a substitute. The rule provides that the amendment in the nature of a substitute shall be open for amendment at any point. The rule accords Members who have preprinted their amendments in the RECORD prior to their consideration priority in recognition to offer their amendment, if otherwise consistent with House rules.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, when the Republican party became the majority party in 1995, Congress began enacting a series of commonsense reforms. These reforms have changed the way the Federal government operates and have saved billions of taxpayer dollars.

One of the first things Congress did was apply all laws that it passes to itself. Previously, Congress would pass burdensome regulations on the private sector, but exclude itself from compliance to these laws. In 1995, Congress passed the Paperwork Reduction Act to identify and reduce burdensome Federal paperwork requirements on the private sector, especially small businesses.

Continuing toward a goal of creating a 21st century government, in 1996 Congress passed the Federal Acquisition Reform Act to reduce bureaucratic requirements within the Federal procurement system.

We have all heard examples of inflated prices, like the 187 screw sets purchased by the government for $75.60 each. More often than not, such fleecing of taxpayer dollars is due to the cumbersome Federal procurement system, not fraud. The Federal Acquisition Reform Act has streamlined the process of doing business with the Federal government by significantly reducing such waste.

In 1997, Congress passed the Travel and Transportation Reform Act, legislation to remedy poor management of the Federal government's massive travel expenditures. This bill is now law, and has led to a concerted effort by Federal managers to improve the Federal travel efficiency and cost effectiveness. The Congressional Budget Office estimates savings of $80 million per year.

With the passage last year of the Presidential and Executive Office Financial Accountability Act, Congress created a chief financial officer for the White House. This nonpartisan CFO position in the Executive Office of the President will facilitate prevention and early detection of waste, fraud and abuse. Accordingly, the bill promotes efficiency and cost reductions within the White House.

Today Congress takes another step toward increasing efficiency and saving taxpayer dollars with consideration of the Government Waste Corrections Act.

In private industry, companies routinely audit themselves to determine if they have overpaid vendors and suppliers. Overpayments are a fact of life for businesses, government entities, and even our own households. Overpayments become more likely with larger volumes of payments.

Overpayments occur for a variety of reasons, including duplicate payments, pricing errors, and missed discounts or rebates. On average, private industry recovers $1 million for each $1 billion that is audited. Overpayments at the Federal level are an especially serious problem when considering the size and complexity of Federal operations, as well as the widespread financial management weaknesses of the Federal government.

Recovery auditing and activity already occurs in limited areas of the Federal government. Recovery audits of the Department of Defense alone have identified errors averaging .4 percent of Federal payments audited, or $4 million out of every $1 billion. Recovery efforts throughout the entire Federal Government could save billions of dollars more.

With this in mind, the Government Waste Corrections Act requires Federal agencies to perform audits if their direct purchases for goods and services total $500 million or more per fiscal year. Agencies that must undertake recovery auditing would also be required to institute a management improvement program to address underlying problems of their payment systems.

The Government Waste Corrections Act is a commonsense government reform that incorporates proven, money-saving private sector practices to the Federal government.

Mr. Speaker, I encourage all Members to support the rule and the underlying legislation.

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

1245

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise in support of this open rule, and I urge my colleagues to pass it so that all germane alternatives and potential improvements to this legislation may be considered.

The underlying bill, H.R. 1827, the Government Waste Corrections Act of 1999, is designed to address the problem of overpaying vendors that provide goods and services to Federal agencies. Rooting out this problem is a worthy goal and one I wholeheartedly support. Our government has paid through the nose so often it has developed a bad cold that has resisted a cure. These overpayments waste money of the taxpayers and divert the Federal resources from their intended use.

Overpayments can occur for a variety of reasons, including duplicate payments, pricing errors, missed cash discounts, rebates, or other allowances. But with this bill, we take the first step toward a cure. The identification and recovery of such overpayments, commonly referred to as recovery auditing and activity, is an established business practice with demonstrated large financial returns.

Recovery auditing has already been employed successfully in limited areas of Federal activity. It has great potential for expansion to many other Federal agencies and activities, thereby

resulting in the recovery of substantial amounts of overpayments annually. Congress must ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

I understand from Committee on Rules testimony last week that the underlying bill would not apply to excess Medicare payments. I think this is a shame, because Medicare is a system that needs looking into.

A measure that I have authored, H.R. 418, the Medicare Universal Product Number Act of 1999, which I have cosponsored with the gentleman from New York (Mr. HOUGHTON) would go a long way towards cracking down on improper federal reimbursements.

I would urge the Committee on Government Reform and Oversight to continue this effort to crack down on excessive payments and take a hard look at Medicare in the process. The taxpayers need to know that Congress means business when it comes to handling their money.

Mr. Speaker, I support this open rule to allow full debate and all perfecting amendments to this legislation.

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

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

Mr. Speaker, previously I served on the Committee on Government Reform, and I found that the leadership that was provided by the chairman of that committee really has had a lot to do with the provisions of the laws that have changed. I believe that the gentleman from Indiana (Mr. BURTON), perhaps one of the greatest things he has brought to us is the old axiom that the light of day is the best disinfectant.

Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for his kind remarks.

Let me just say that the gentleman from Texas (Mr. SESSIONS), as the chairman of the Results Caucus, has provided invaluable service to the country and to this body in working with us to formulate this legislation.

I would like to also thank the gentleman from Texas (Mr. TURNER), the ranking minority member on the Subcommittee on Government Management, Information and Technology for his hard work on this. The gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. ARMEY) were very instrumental in helping draft the legislation, bringing it up to the position we have today, where we can bring it to the floor. I want to thank them for their participation.

I would like to also thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for his expeditious handling of this bill before the Committee on Rules and bringing it to the floor, along with the gentleman from California (Mr. SESSIONS).

I think this is a good rule. It does provide an open rule so Members can amend the bill if they find it necessary, although I do not expect many amendments, if any.

Let me just say to the gentlewoman from New York (Ms. SLAUGHTER) who just spoke. We did consider provisions involving Medicare. Because of all the aspects of Medicare, we thought that it would encumber the bill at this time. However, let me just tell my colleagues that that is one of the things that we ought to be looking at and will be looking at because Medicare allegedly does waste billions of dollars. I think the same accounting procedures in the future ought to be considered by the entire body, and we will work toward that end.

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

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 426 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1827.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are going to do something that is a little bit unusual for the Congress. We are going to vote on a bill that will save taxpayers' money instead of spending their money. Today we are going to vote on the Government Waste Corrections Act.

The Federal Government is one of the biggest consumers and customers in the world. Every year, Federal agencies spend hundreds of billions of dollars buying goods and services, pens, papers, computers, cars, trucks. You name it, and the government buys it.

Along the way, mistakes are made. Someone punches in the wrong code, and a vendor gets paid too much, and taxpayers' money gets wasted.

Nobody knows exactly how much money gets wasted each year, but we do know this, it is not thousands of dollars, and it is not millions of dollars. The General Accounting Office estimates that billions of dollars are wasted each year in erroneous overpayments.

Private sector companies are very aggressive about trying to catch these errors and get their money back. Most Federal agencies do not.

My bill would focus agencies on getting back these millions and billions of dollars in overpayments. My bill takes a proven private sector financial management tool called recovery auditing and applies it to the Federal Government. It is used very successfully by Fortune 500 companies to identify and recover overpayments.

The Congressional Budget Office estimates that if government agencies use recovery auditing, they will collect back at least $180 million over the next 5 years. I think it will be a lot more than that. What will happen with all this money? Well, part of the money can be used to pay for recovery audits. Part of the money can be used to improve financial management systems. At least 50 percent of that money will be returned to the Federal Treasury.

CBO says that this bill will save taxpayers at least $100 million over the next 5 years. That is probably just the tip of the iceberg.

I remember last fall, we were trying to finalize the Federal budget. There were negotiations over a 1 percent across-the-board cut in the Federal budget to try to help balance the budget. We asked all Federal agencies if they could find 1 percent of their budgets where there was waste or excess spending that could be eliminated. Well, it seemed like most of them screamed bloody murder. They accused us of trying to cut into critical programs. There was nothing that could be cut, not one penny of waste, many of them said.

Well, we finally agreed on an across-the-board cut of four-tenths, about four-tenths of 1 percent. When we think about the trillions of dollars we spend, that is just a drop in the bucket.

Well, there is waste, and there are errors, and there are overpayments, billions of dollars in overpayments. They can be recovered. That is what this bill is all about.

Here is a brief explanation of what this bill will do. It requires agencies to conduct recovery auditing if they spend more than $500 million annually on goods and services, and most of the agencies do. Recovery auditing uses sophisticated computer software to analyze billing records and identify overpayments.

This bill does not apply to programs that make direct payments to beneficiaries like Medicare or Social Security. It applies to the purchase of goods and services for the Federal Government. As I said to the gentlewoman from New York (Ms. SLAUGHTER) a few moments ago in the colloquy we had, we will be looking at Medicare and waste in that area down the road.

Agencies can either conduct recovery audits in house, or they can use private contractors, whichever is the most efficient. At least 50 percent of the amounts recovered must be returned to the Federal Treasury, and I think that is very good news.

Agencies are allowed to spend up to 25 percent of the recovered funds for management improvement programs. Lord knows we need to improve management in most agencies.

Agencies can use a portion of the recovered funds to cover the costs of the audits. Recovery auditing has been used very successfully in the demonstration programs at the Defense Department. The Army and the Air Force exchange systems have used recovery auditing for several years. The most recent audit recovered $25 million.

In 1996, the Defense Supply Center in Philadelphia began a pilot program. Potential overpayments there have been estimated at $23 million.

The bill we have before us has a number of technical changes that have been added since it was passed by the committee. These have been discussed at length with the minority and Members of the other interested committees. Several definitions have been added to clarify our intent.

This bill is designed to get at inadvertent overpayments. To help clarify this distinction, the definition of facial-discrepancy payment error has been addressed. Recovery auditors are to identify overpayments based on what is on the face of the payment records. They are not authorized to make determinations about the quality or the value of products provided to the Federal Government.

Many government contractors were concerned that recovery auditors might come to their offices and demand to go through their files. This bill does not allow them to do that. Recovery auditors are only allowed to analyze the agency's records. The manager's amendment explicitly prohibits a recovery auditor from establishing a physical presence, to set up shop, so to speak, at any contractor's office.

The bill originally contained a provision allowing OMB to exempt certain agencies from recovery auditing if it would not be cost effective. The manager's amendment authorizes agency heads to request exemptions from OMB based on these same criteria. However, it is my view that exemptions should be only offered in rare circumstances and that most agencies would benefit from recovery auditing.

The manager's amendment also stipulates that recovery auditing will apply to the Defense Department's major weapons systems only after these contracts have been closed. This change addresses concerns raised by Members of the Committee on Armed Services, especially the gentleman from Virginia. Multi-year contracts for major weapons systems are very complex. They often involve estimated payments that are reconciled in later billing periods. Conducting recovery audits at the completion of these contracts will avoid unnecessary confusion.

Mr. Chairman, in essence, this bill does three things that are very important. First, it eliminates waste. CBO says it will save taxpayers at least $100 million over the next 5 years. Second, it puts private sector business practices to work in the Federal Government; and that is something we should have done a long time ago. Third, it gives Federal agencies new resources to improve their financial management programs.

The Government Waste Corrections Act passed through the committee with bipartisan support. It is supported by the administration.

I want to thank the leadership for scheduling this bill today. I want to thank the gentleman from California (Mr. HORN), Chairman of the Subcommittee on Government Management, Information and Technology for his hard work on this issue, and also the gentleman from California (Mr. WAXMAN), my ranking member. I have already said I wanted to thank the subcommittee ranking member for his hard work as well.

We have all worked together to resolve several issues so that this bill could get the bipartisan support. So I ask all of my colleagues to support this bill. It is a good bill. Its time has come. We need to expand it in the future, but we will look back at that later on.

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

Mr. TURNER. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1827, the Government Waste Corrections Act of 1999. I want to commend the gentleman from Indiana (Mr. BURTON) for his leadership on this issue. I also want to thank the gentleman from California (Mr. WAXMAN), ranking member, for his hard work on the bill, as well as the gentleman from California (Mr. HORN), chairman of the Subcommittee on Government Management, Information and Technology.

The gentleman from Indiana (Mr. BURTON) stated it very correctly, this is a bill that will save money for the taxpayers. It is a wonderful opportunity to have a bill like this before the floor.

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So many times we find ourselves spending money, and this bill, clearly, will save money for our taxpayers.

This bill requires the use of a technique referred to as recovery auditing. Recovery auditing is a proven financial tool that has been used to identify overpayments in the private sector for a number of years. It has been used by the automobile industry, by the retail trades industry, and by food services industries. It is a practice employed by most of the Fortune 500 companies. However, few agencies of the Federal Government have ever utilized this technique. The exceptions are the Army and Air Force Exchange Services, which recovered $25 million in overpayments through the use of recovery auditing in 1998.

Every year Federal agencies make billions, and I say billions of dollars in overpayments. No matter how efficient a financial management system, we must face the fact that overpayments do occur in government. In fact, the larger the volume of government purchases, the greater likelihood of mistakes in overpayments.

As an example, the Department of Defense, which contracts for billions of dollars in goods and services every year, found that between the years 1994 and 1998 defense contractors in the private sector voluntarily returned $984 million in overpayments to the Department of Defense. These returned payments were unknown to the Department of Defense until the money was returned.

Clearly, there is a need for recovery auditing in the Federal Government. This legislation requires Federal agencies to conduct recovery audits on all payment activities over $500 million annually on goods and services for the use or direct benefit of the agencies. Recovery audits will be optional for other payment activities.

Agencies would be authorized to conduct recovery audits in-house or contract with private recovery specialists or use a combination of the two. At least 50 percent of the overpayments recouped would go back to the general treasury, and not more than 25 percent of the overpayments recouped could be used for a management improvement program designed to prevent future overpayments and waste by the agency. The Congressional Budget Office estimates that H.R. 1827 will result in collections of at least $180 million in the first 5 years.

This bill was introduced by the gentleman from Indiana (Mr. BURTON) back in May of 1999. We had a hearing before the Subcommittee on Government Management, Information and Technology, and the full committee reported the bill with some amendments. There were a number of concerns that were discussed at the time of the hearing on the bill, and these have been addressed.

In full committee, I offered an amendment relating to privacy protection for individually identifiable information, and the gentleman from California (Mr. WAXMAN) offered another amendment which requires agencies to

conduct a private-public cost comparison before deciding whether to contract out in the private sector for recovery auditing services or to do the task in-house with agency personnel. I appreciate the bipartisan manner in which the chairman, the gentleman from Indiana (Mr. BURTON), approached both of these amendments; and we are pleased that they were included in the bill.

In an effort to alleviate other concerns, discovered after the full committee markup we have clarified the bill's intent by adding several new definitions and making technical clarification in other parts of the bill through the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. BURTON). Under the amendment, agency heads are now expressly authorized to request an exemption from the program if it goes against the agency's mission or would not be cost effective.

And in response to concerns raised by vendors who feared that recovery auditors might barge into their offices as a part of the recovery auditing process, the amendment in the nature of a substitute prohibits a recovery auditor from establishing a physical presence, that is, setting up shop at the entity that is being audited.

Finally, we also stipulated in the amendment in the nature of a substitute that recovery auditing will apply only to the Department of Defense's major weapon system programs after the contracts have been closed. These concerns were expressed to the committee and to the chairman and myself by the gentleman from Virginia (Mr. BATEMAN), by the gentleman from Virginia (Mr. SISISKY), the gentleman from Virginia (Mr. SCOTT), and others; and the amendment clarifies the bill in this regard and addresses those concerns.

Mr. Chairman, this bill clearly represents a significant step forward in dealing with the billions of dollars in overpayments that are made by the Federal Government. I am pleased to be a cosponsor of the bill. It is simply good government. Again, I commend the gentleman from Indiana (Mr. BURTON) for his leadership on the issue.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. OSE), a very valued member of the committee, and I also thank the gentleman from Texas (Mr. TURNER) for all his hard work on this bill as the ranking member on the subcommittee.

(Mr. OSE asked and was given permission to revise and extend his remarks.)

Mr. OSE. Mr. Chairman, today I rise in strong support of this remarkable piece of legislation, the Government Waste Corrections Act.

I would first like to especially commend my two chairmen on this committee, that being the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. HORN), for their exceptional work on this. It is a pleasure to actually have the opportunity to work with two people of such skill and knowledge and have something fruitful, such as this, come to the floor. So my compliments to both gentlemen.

To the gentleman from Texas (Mr. TURNER), on the minority side, I appreciate his steady leadership and hand in keeping us on the straight and narrow, so to speak; and I welcome his bipartisan approach to this because this is an important issue.

One of the reasons I ran for Congress was to come to this House and try to instill a private sector mentality into government operations. The Government Waste Corrections Act does just that. Under this legislation, agencies will adopt recovery auditing, a practice widely used in the private sector. Recovery auditing is the process of reviewing all payment transactions in order to uncover duplicate payments, vendor pricing mistakes, and missed discounts.

Now, my colleagues may ask, is this bill really needed? Are our agencies not already careful with taxpayer money? Well, interestingly, both the General Accounting Office and the inspector generals throughout our agencies have repeatedly reported and testified that overpayments to government contractors are a serious, high-risk problem. However, I want to emphasize one thing here, and that is that this is not fraud or abuse; these are just mistakes that we are trying to catch in the process.

A couple of examples of the mistakes that have occurred is that some agency inspector generals have made that upwards of $15 billion has erroneously been paid out under our programs for food stamps or housing programs in a given year. And as the gentleman from Texas (Mr. TURNER) pointed out over at the Department of Defense, private contractors, of their own volition, have voluntarily returned $984 million in overpayments to the Department of Defense over the last 4 years. This may represent only a fraction of the total amount of money that we are trying to address here.

Now, the gentleman from Indiana has highlighted that this legislation has been estimated to save $100 million of the taxpayers' money over the next 5 years. That is a remarkable sum. I happen to think that is on the low end. I am hopeful that we will be far more successful than that.

Finally, Mr. Chairman, the Government Waste Corrections Act is another great example of how we can take management techniques from the private sector and apply them to the Federal Government's practices ultimately for the benefit of all Americans and our taxpayers. I urge my colleagues to support this bill. Let us let the savings begin.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), my classmate and a great American.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman and my good friend from Indiana for yielding me this time.

Mr. Chairman, I rise today in support of this legislation and certainly want to commend my colleague for his untiring efforts to improve the economy and the efficiency of government operations. We are all in his debt for doing so.

I am rising in support of this bill. However, I do want to point out that I have some remaining trepidations with the bill and which, hopefully, can be further improved as it goes through the legislative process.

In the fiscal year 1996 and 1998 national defense authorization acts, Congress directed and then expanded a demonstration project to identify overpayments made to vendors by the Department of Defense. This initiative and these pilot programs were at the initiative of the Subcommittee on Military Readiness of the Committee on Armed Services, which I chair. And certainly I applaud these efforts and know that even those programs where it has been tried it has been effective and real savings have been the result.

During the course of this demonstration project, recovery auditing has proven to be a particularly effective management tool for identifying and collecting overpayments on contracts that are most analogous to commercial retail contracts. Indeed, for certain retail business areas, the Department of Defense has used recovery auditing to identify and collect overpayments at a higher rate than has been found in the private sector.

The problem lies in the application of recovery auditing to all business areas, particularly the procurement of major weapon systems. Contracts for the procurement of major weapon systems are executed over several years and are based on unique pricing guidelines. All payments are subject to routine and extensive contract audit and management activities designed to ensure accurate payments throughout.

Payments are made periodically and adjusted regularly to account for contract progress. Therefore, recovery auditing on contracts for the procurement of major weapon systems will not only be redundant but, in some cases, may also be virtually impossible to conduct. The bill before us now attempts to address this issue by providing that recovery auditing will not apply to major defense system acquisition programs until they have become closed.

I applaud the sponsors for their efforts to address these concerns. I am convinced, however, that H.R. 1827 could be further refined to address the problems I raise today. The Congressional Budget Office agrees with me and has stated in its cost estimate on

H.R. 1827 that it expects OMB would exempt research, testing and procurement of military weapons from the requirement of this act.

In closing, Mr. Chairman, let me reiterate that I strongly support any measure that enhances government efficiency and effectiveness and reduces the waste of taxpayer dollars, but I do urge caution when doing so may be redundant and counterproductive.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Virginia (Mr. BATEMAN) for his leadership in trying to clarify the bill. I know the gentleman from Virginia (Mr. SISISKY) and the gentleman from Virginia (Mr. SCOTT) had similar concerns, and through their work we were able to address those concerns. We certainly hear the request that was made and look forward to working as this bill moves forward to be sure we have accomplished the desired result.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HORN), the subcommittee chairman, and a very valued member of the Committee on Government Reform.

(Mr. HORN asked and was given permission to revise and extend his remarks.)

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Mr. HORN. Mr. Chairman, we appreciate the leadership of the gentleman from Indiana (Mr. BURTON) on this. I want to thank the gentleman from Texas (Mr. TURNER), the ranking Democrat on our subcommittee that held some of these hearings. We have had very strong cooperation from the gentleman from Texas (Mr. TURNER), and I am most grateful.

H.R. 1827, the Government Waste Corrections Act, would require executive branch departments and agencies to use a process called ''recovery auditing'' to review the various payment transactions in order to check for erroneous overpayments. Some of it is completely innocent. It is just a process that sometimes does not work.

H.R. 1827 represents a milestone in the effort to reduce the widespread waste and errors that do exist in various Federal programs and that are costing taxpayers billions of dollars each year.

Last session, the gentleman from Indiana (Mr. BURTON) held hearings on waste and mismanagement. He had witnesses from the Inspectors General of Agriculture, Health and Human Services, and Housing and Urban Development. Each of them testified about various program and management problems in their departments. One of the most prevalent involved erroneous payments.

On March 31, 1999, the Subcommittee on Government Management, Information, and Technology that I chaired examined the government-wide consolidated financial statement for fiscal year 1998.

The General Accounting Office, which audited these statements on our behalf, testified that one of the most serious areas of waste and error throughout the Government were the millions of dollars in improper payments being made to contractors, vendors, and suppliers.

Most Federal overpayments go undetected because agencies do not track and report these improper payments. And there is no law requiring them to do so. Each year, however, this ongoing waste squanders huge amounts of taxpayer dollars and detracts from the effectiveness of Federal operations by diverting resources intended for other purposes.

H.R. 1827 addresses the problem of inadvertent overpayments by requiring that the Government use a successful private sector business practice, known as recovery auditing.

In a typical recovery audit, an agency's purchases and payments would be reviewed to identify where overpayments have occurred. Common areas involve such things as vendor pricing mistakes, missed discounts, or duplicate payments. Once an error has been identified and verified, the vendor would be notified. Valid overpayments would be recovered through direct payments to the agency or by administrative offsets.

Although agencies may already have the authority to contract for recovery auditing, the process is simply not being utilized government-wide. And it should be. Agencies may need to consider using the services of the private sector because the process requires specialized skills, databases, and software development.

When the gentleman from Indiana (Chairman BURTON) introduced this legislation and it was referred to our subcommittee, we held further hearings in June of 1999 in which witnesses testified about the successful use of recovery auditing in the Department of Defense.

The Army and Air Force Exchange Service makes purchases of $5 million per year. Recently they completed their recovery auditing, and that yielded almost $25 million, which is not hay.

A witness from the Defense Supply Center of Philadelphia testified about a recovery audit pilot program being conducted at that supply center. The supply center expects to recover over $27 million in overpayments over a 3-year period.

This bill requires agencies to use recovery auditing for purchases of $500 million or more annually. However, agencies are encouraged to use recovery auditing for all procurements regardless of the amount of the transaction. However, the bill only applies recovery auditing to an agency's spending for direct contracting.

Examples of direct contracting include payments made to a contractor to build a new Veteran's Administration hospital and the payments the Defense Department would make for the purchase of a new weapons system.

H.R. 1827 would not require recovery auditing for programs that involve payments to third parties for the delivery of indirect services, such as education, drug treatment grants, or payments to intermediaries to administer the Medicare program.

Federal payments in those programs must make their way through a number of entities, including State and local governments and nonprofit organizations, before the service is really delivered to the general population. Those payment systems are often so complex that it is uncertain at this time where and how the recovery auditing procedure would best be applied.

Mr. Chairman, it is important to note that this legislation addresses the problems that cause the overpayments. This bill would require agencies to use part of the money they recover to improve their management and financial systems. As a priority, agencies would have to work toward improving their overpayment error rate.

In addition to the obvious benefits to Federal agencies, the Congressional Budget Office estimates that this legislation would result in collections of at least $180 million over the next 5 years.

H.R. 1827 would be a win for the Government and a win for the American people. I urge all my colleagues to support this legislation.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from California (Chairman HORN) for his hard work on this bill. It has been a pleasure to serve on the subcommittee with him; and, as always, I appreciate the bipartisan manner in which he conducts his business.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), one of the more valued members of our committee.

Mr. SHAYS. Mr. Chairman, I thank my esteemed chairman for yielding me the time. I appreciate the opportunity to address the committee.

Mr. Chairman, I rise in support of the Government Waste Corrections Act. In my judgment, this is simply common sense legislation. It is another important step in Congress's ongoing efforts to eliminate waste, fraud, and abuse in Federal agencies and programs.

I mean, let us face it, in a Federal budget that exceeds $1.7 trillion, there will be some waste, quite a lot in fact. If we focus our efforts on rooting out this waste, we are better able to focus our limited resources on otherwise underfunded requirements.

For example, the Department of Defense, which I oversee, will be able to direct this money to spare parts, training, and other critical needs. Getting our financial house in order means more than simply passing a balanced

budget. It means ensuring the money is spent the way it is intended, not wasted through overpayments and billing errors.

Recovery audits are a way for the Government to better manage its finances. This is the same tool used by the private sector firms across this country to assure their expenditures are also in order.

These audits pay for themselves. Because agencies can use a portion of the amounts collected back to finance their recovery audit costs, they will not have to appropriate their own limited funds to audit activities.

Audits are also a way to pass savings on to taxpayers. In fact, this legislation requires a minimum of 50 percent of the money collected to be returned back to the U.S. Treasury.

I thank my colleagues for working on this legislation. It is a pleasure to be on the Committee on Government Reform, and I am happy they brought out this legislation.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand we have a manager's amendment and an amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) which, of course, I support.

Mr. TERRY. Mr. Chairman, I am a cosponsor of H.R. 1827, the Government Waste Corrections Act. I commend our leadership for bringing this bill to the floor. At a time when there is a lot of talk about reducing waste, fraud and abuse in executive branch programs, I am pleased that the House is taking some action.

I want to express particular concern about HCFA, and that agency's lax oversight of Medicare contractors. By HCFA's own admission, billions of dollars are lost through waste and abuse each year.

Testimony from GAO, as well as the Inspector General of the Department of Health and Human Services, has documented that Medicare contractors have improperly paid claims and failed to recoup overpayments to providers.

Recently, GAO has cited ''integrity problems'' and ''pervasive'' fiscal mismanagement among Medicare contractors. This has included such questionable activity as arbitrarily turning off computer audits of claims, altering documents that involved questionable claims, and even falsification of documents and reports to HCFA. Yet these contractors are the very same companies that are supposed to be HCFA's front line force for the identification and recovery of Medicare overpayments. There is an inherent conflict of interest in having Medicare contractors both pay for provider claims and then audit their own performance.

This certainly is not the way that insurance companies in Omaha and across the country do business. When private resources are at risk, insurers obtain independent reviews to identify and recover overpayments. In protecting public resources HCFA would do well to follow the private example, perhaps turning to some of the same businesses that have extensive experience in the area.

GAO will report to Congress later this year on the results of a study HCFA's performance in the identification and collection of Medicare overpayments. The HHS Inspector General's office also has plans to compare Medicare overpayment and recovery methods with those of private insurers. I am hopeful that the result of these studies will be that HCFA does what the Veterans Administration already has done—that is, approved use of private firms for cost recovery.

The bill now before us is an important first step recovering the millions of dollars the federal government over-pays each year. this is an important bill, and I urge its approval.

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in strong support for the Government Waste Corrections Act. This bipartisan legislation will save the taxpayers at least $180 million over the next 5 years by making the Federal Government less wasteful through adoption of private-sector solutions to problems with contract payments.

I am a cosponsor of this important piece of legislation because I believe it is commonsense reform. As a small business owner, I understand the importance of keeping a close eye on disbursements. If we treat the funds of our own business with that kind of care, don't taxpayers deserve the same treatment for their money? I think so, and I'll bet most Americans you ask think so too.

For some years, the Department of Defense has used a method known as recovery auditing to cut down on the amount of overpayment to contractors. The 1996 Defense Authorization Act authorized a recovery auditing demonstration program at the Defense Supply Center in Philadelphia. The audit turned up more than $27 million in overpayments. Due to disputes, only $2.6 million of this amount has been returned to the Government, but the DOD is optimistic that more money will be returned soon, and the recovery audit is seen as a success.

H.R. 1827 would implement this audit method throughout the Federal Government, saving taxpayers millions more. It would allow agencies to perform the audit internally or through a contractor, providing sufficient flexibility to account for differences between agencies. And it would allow agencies to give cash awards to employees who identify wasteful spending practices.

Mr. Chairman, I applaud the efforts of Chairman BURTON and Chairman HORN to improve the efficiency of the Federal Government and save taxpayers money. I urge passage of the common-sense Government Waste Corrections Act.

Mr. WAXMAN. Mr. Chairman, I rise in support of H.R. 1827, the Government Waste Correction Act of 2000, which requires agencies to use a financial management technique known as recovery auditing.

Implementation of recovery auditing has the potential to save millions of taxpayers' dollars by ensuring that overpayments made by the federal government are both identified and collected. Just like in the private sector, the federal government makes overpayments. And just like in the private sector, efforts should be made to recovery such overpayments.

These overpayments are often not intentional. Frequently, these are inadvertent overpayments due to duplicate payments, pricing errors, missed cash discounts and the like. By requiring the performance of recovery auditing, we are increasing the efficiency and effectiveness of the federal government.

Mr. Chairman, I want to highlight two important provisions of H.R. 1827 which ensure (1) fundamental privacy rights and (2) fair treatment of federal workers. H.R. 1827 requires audits of services that are for the ''direct benefit and use'' of government agencies. A number of such services involve the use of individuals' personal information, including health information. For example, health care services provided to veterans by community based health clinics under contract with the federal government may be subject to audits under the bill.

Our colleague, Representative JIM TURNER, deserves credit for making sure these audits won't infringe on legitimate privacy concerns. His amendment, which was adopted by the Government Reform Committee, provides essential privacy protections for individually identifiable information obtained by contractors through recovery audits and recovery activities under this bill. The Turner amendment adds needed balance and safeguards to H.R. 1827.

I am also encouraged by the inclusion of my amendment to H.R. 1827 requiring public-private cost comparisons. We should let federal employees—not private contractors—perform recovery audits when the federal employees can do a better job at lower cost to the taxpayer than private contractors. This amendment, which provides for current Office of Management and Budget (OMB) circular cost comparisons, ensures that federal workers will not be prevented from doing recovery auditing work because of any arbitrary federal full time equivalent ceilings.

Mr. Chairman, recovery auditing is an important tool and should be used to identify inadvertent overpayments. I urge my colleagues to support H.R. 1827.

Mr. STERNS. Mr. Chairman, I am here today to express my support for H.R. 1827, the Government Waste Corrections Act.

Over the years, several studies have focused on the waste and abuse that occurs within the Federal Government. A few months ago, GAO reported the financial statement reports of nine federal agencies. Mr. Speaker, do you want to know what they found? There were improper payments of $19.1 billion for major programs that these agencies administered in FY 1998 alone.

These figures are extremely disturbing, but they don't begin to capture the full extent of the federal government's financial problems. Neither federal agencies nor GAO has a good estimate of the overpayments that occur each year. Unfortunately, the extent of overpayments is expected to be significant due to the poor state of these federal agencies' financial and accounting records.

This is completely unacceptable, H.R. 1827 will help resolve this problem, by demanding agencies to give greater attention to identify and recover overpayments, saving the American taxpayer millions of dollars. To be more specific, CBO estimates that agencies would collect back $180 million over five years.

Mr. Chairman, this bill will be truly effective in the fight against government waste, and I urge its support.

Mr. TURNER. Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, we have no more speakers on our side, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in

House Report 106–506 is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Waste Corrections Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Overpayments are a serious problem for Federal agencies, given the magnitude and complexity of Federal operations and documented and widespread financial management weaknesses. Federal agency overpayments waste tax dollars and detract from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

(2) In private industry, overpayments to providers of goods and services occur for a variety of reasons, including duplicate payments, pricing errors, and missed cash discounts, rebates, or other allowances. The identification and recovery of such overpayments, commonly referred to as ''recovery auditing and activity'', is an established private sector business practice with demonstrated large financial returns. On average, recovery auditing and activity in the private sector identify overpayment rates of 0.1 percent of purchases audited and result in the recovery of $1,000,000 for each $1,000,000,000 of purchases.

(3) Recovery auditing and recovery activity already have been employed successfully in limited areas of Federal activity. They have great potential for expansion to many other Federal agencies and activities, thereby resulting in the recovery of substantial amounts of overpayments annually. Limited recovery audits conducted by private contractors to date within the Department of Defense have identified errors averaging 0.4 percent of Federal payments audited, or $4,000,000 for every $1,000,000,000 of payments. If fully implemented within the Federal Government, recovery auditing and recovery activity have the potential to recover billions of dollars in Federal overpayments annually.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

(2) To require the use of recovery audit and recovery activity by Federal agencies.

(3) To provide incentives and resources to improve Federal management practices with the goal of significantly reducing Federal overpayment rates and other waste and error in Federal programs.

SEC. 3. ESTABLISHMENT OF RECOVERY AUDIT REQUIREMENT.

(a) ESTABLISHMENT OF REQUIREMENT.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—RECOVERY AUDITS

''§ 3561. Definitions

''In this subchapter, the following definitions apply:

''(1) AMOUNTS COLLECTED.—The term 'amounts collected' means monies actually received by the United States Government.

''(2) CHIEF FINANCIAL OFFICER.—The term 'Chief Financial Officer' means the official established by section 901 of this title, or the functional equivalent of such official in the case of any agency that does not have a Chief Financial Officer under that section.

''(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(4) DISCLOSE.—The term 'disclose' means to release, publish, transfer, provide access to, or otherwise divulge individually identifiable information to any person other than the individual who is the subject of the information.

''(5) FACIAL-DISCREPANCY PAYMENT ERROR.—The term 'facial-discrepancy payment error'—

''(A) except as provided in subparagraph (B), means any payment error that results from, is substantiated by, or is identified as a result of information contained on any invoice, delivery order, bill of lading, statement of account, or other document submitted to the Government by a supplier of goods or services in the usual and customary conduct of business, or as required by law or contract to substantiate payment for such goods or services, including any such document submitted electronically; and

''(B) does not include payment errors identified, resulting, or supported from documents that are—

''(i) records of a proprietary nature, maintained solely by the supplier of goods or services;

''(ii) not specifically required to be provided to the Government by contract, law, regulation, or to substantiate payment;

''(iii) submitted to the Government for evaluative purposes prior to the award of a contract, as part of the evaluation and award process.

Records, documents, price lists, or other vendor material published and available in the public domain shall not be considered sources of facial-discrepancy payment errors, but may be used to substantiate, clarify, or validate facial-discrepancy payment errors otherwise identified.

''(6) INDIVIDUALLY IDENTIFIABLE INFORMATION.—The term 'individually identifiable information' means any information, whether oral or recorded in any form or medium, that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

''(7) OVERSIGHT.—The term 'oversight' means activities by a Federal, State, or local governmental entity, or by another entity acting on behalf of such a governmental entity, to enforce laws relating to, investigate, or regulate payment activities, recovery activities, and recovery audit activities.

''(8) PAYMENT ACTIVITY.—The term 'payment activity' means an executive agency activity that entails making payments to vendors or other nongovernmental entities that provide property or services for the direct benefit and use of an executive agency.

''(9) RECOVERY AUDIT.—The term 'recovery audit' means a financial management technique applied internally by Government employees, or by private sector contractors, and used by executive agencies to audit their internal records to identify facial-discrepancy payment errors made by those executive agencies to vendors and other entities in connection with a payment activity, including facial-discrepancy payment errors that result from any of the following:

''(A) Duplicate payments.

''(B) Invoice errors.

''(C) Failure to provide applicable discounts, rebates, or other allowances.

''(D) Any other facial-discrepancy errors resulting in inaccurate payments.

''(10) RECOVERY ACTIVITY.—The term 'recovery activity' means executive agency activity otherwise authorized by law, including chapter 37 of this title, to attempt to collect an identified overpayment.

''(11) RECOVERY AUDIT CONTRACTOR.—The term 'recovery audit contractor' means any person who has been hired by an executive agency to perform a recovery audit pursuant to a recovery audit contract.

''§ 3562. Recovery audit requirement

''(a) IN GENERAL.—Except as exempted under section 3565(d) of this title, the head of each executive agency—

''(1) shall conduct for each fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total $500,000,000 or more (adjusted by the Director annually for inflation);

''(2) may conduct for any fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total less than $500,000,000 (adjusted by the Director annually for inflation); and

''(3) may request that the Director exempt a payment activity, in whole or in part, from the requirement to conduct recovery audits under paragraph (1) if the head of the executive agency determines and can demonstrate that compliance with such requirement—

''(A) would impede the agency's mission; or

''(B) would not, or would no longer be, cost-effective.

''(b) PROCEDURES.—In conducting recovery audits and recovery activity under this section, the head of an executive agency—

''(1) shall consult and coordinate with the Chief Financial Officer and the Inspector General of the agency to avoid any duplication of effort;

''(2) shall implement this section in a manner designed to ensure the greatest financial benefit to the Government;

''(3) may conduct recovery audits and recovery activity internally in accordance with the standards issued by the Director under section 3565(b)(2) of this title, or by procuring performance of recovery audits, or by any combination thereof; and

''(4) shall ensure that such recovery audits and recovery activity are carried out consistent with the standards issued by the Director under section 3565(b)(2) of this subchapter.

''(c) SCOPE OF AUDITS.—

''(1) IN GENERAL.—Each recovery audit of a payment activity under this section shall cover payments made by the payment activity in the preceding fiscal year, except that the first recovery audit of a payment activity shall cover payments made during the 2 consecutive fiscal years preceding the date of the enactment of the Government Waste Corrections Act of 2000.

''(2) ADDITIONAL FISCAL YEARS.—The head of an executive agency may conduct recovery audits of payment activities for additional preceding fiscal years if determined by the agency head to be practical and cost-effective subject to any statute of limitations constraints regarding recordkeeping under applicable law.

''(d) RECOVERY AUDIT CONTRACTS.—

''(1) AUTHORITY TO USE CONTINGENCY CONTRACTS.—Notwithstanding section 3302(b) of this title, as consideration for performance of any recovery audit procured by an executive agency, the executive agency may pay the recovery audit contractor an amount equal to a percentage of the total amount collected by the United States as a result of overpayments identified by the contractor in the audit.

''(2) ADDITIONAL FUNCTIONS OF RECOVERY AUDIT CONTRACTOR.—

''(A) IN GENERAL.—In addition to performance of a recovery audit, a contract for such performance may authorize the recovery audit contractor (subject to subparagraph (B)) to—

''(i) notify any person of possible overpayments made to the person and identified in the recovery audit under the contract; and

''(ii) respond to questions concerning such overpayments.

''(B) LIMITATION.—A contract for performance of a recovery audit shall not affect—

''(i) the authority of the head of an executive agency, or any other person, under the Contract Disputes Act of 1978 and other applicable laws, including the authority to initiate litigation or referrals for litigation; or

''(ii) the requirements of sections 3711, 3716, 3718, and 3720 of this title that the head of an agency resolve disputes, compromise, or terminate overpayment claims, collect by setoff, and otherwise engage in recovery activity with respect to overpayments identified by the recovery audit.

''(3) LIMITATION ON AUTHORITY.—Nothing in this subchapter shall be construed to authorize a recovery audit contractor with an executive agency—

''(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency; and

''(B) to establish, or otherwise have a physical presence on the property or premises of any private sector entity as part of its contractual obligations to an executive agency.

''(4) REQUIRED CONTRACT TERMS AND CONDITIONS.—The head of an executive agency shall include in each contract for procurement of performance of a recovery audit requirements that the contractor shall—

''(A) protect from improper use, and protect from disclosure to any person who is internal or external to the firm of the recovery audit contractor and who is not directly involved in the identification or recovery of overpayments, otherwise confidential or proprietary business information and financial information that may be viewed or obtained in the course of carrying out a recovery audit for an executive agency;

''(B) provide to the head of the executive agency and the Inspector General of the executive agency periodic reports on conditions giving rise to overpayments identified by the recovery audit contractor and any recommendations on how to mitigate such conditions;

''(C) notify the head of the executive agency and the Inspector General of the executive agency of any overpayments identified by the contractor pertaining to the executive agency or to another executive agency that are beyond the scope of the contract; and

''(D) promptly notify the head of the executive agency and the Inspector General of the executive agency of any indication of fraud or other criminal activity discovered in the course of the audit.

''(5) EXECUTIVE AGENCY ACTION FOLLOWING NOTIFICATION.—The head of an executive agency shall take prompt and appropriate action in response to a notification by a recovery audit contractor pursuant to the requirements under paragraph (4), including forwarding to other executive agencies any information that applies to them.

''(6) CONTRACTING REQUIREMENTS.—Prior to contracting for any recovery audit, the head of an executive agency shall conduct a public-private cost comparison process. The outcome of the cost comparison process shall determine whether the recovery audit is performed in-house or by a recovery audit contractor.

''(e) INSPECTORS GENERAL.—Nothing in this subchapter shall be construed as diminishing the authority of any Inspector General, including such authority under the Inspector General Act of 1978.

''(f) PRIVACY PROTECTIONS.—

''(1) LIMITATION ON DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—(A) Any nongovernmental entity that obtains individually identifiable information through performance of recovery auditing or recovery activity under this chapter may disclose that information only for the purpose of such auditing or activity, respectively, and oversight of such auditing or activity, unless otherwise authorized by the individual that is the subject of the information.

''(B) Any person that violates subparagraph (A) shall be liable for any damages (including nonpecuniary damages, costs, and attorneys fees) caused by the violation.

''(2) DESTRUCTION OR RETURN OF INFORMATION.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed in the course of recovery auditing or recovery activity under this chapter performed by a nongovernmental entity, the nongovernmental entity shall either destroy the individually identifiable information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

''§ 3563. Disposition of amounts collected

''(a) IN GENERAL.—Notwithstanding section 3302(b) of this title, the amounts collected annually by the United States as a result of recovery audits by an executive agency under this subchapter shall be treated in accordance with this section.

''(b) USE FOR RECOVERY AUDIT COSTS.—Amounts referred to in subsection (a) shall be available to the executive agency—

''(1) to pay amounts owed to any recovery audit contractor for performance of the audit;

''(2) to reimburse any applicable appropriation for other recovery audit costs incurred by the executive agency with respect to the audit; and

''(3) to pay any fees authorized under chapter 37 of this title.

''(c) USE FOR MANAGEMENT IMPROVEMENT PROGRAM.—Of the amount referred to in subsection (a), a sum not to exceed 25 percent of such amount—

''(1) shall be available to the executive agency to carry out the management improvement program of the agency under section 3564 of this title;

''(2) may be credited for that purpose by the agency head to any agency appropriations that are available for obligation at the time of collection; and

''(3) shall remain available for the same period as the appropriations to which credited.

''(d) REMAINDER TO TREASURY.—Of the amount referred to in subsection (a), there shall be deposited into the Treasury as miscellaneous receipts a sum equal to—

''(1) 50 percent of such amount; plus

''(2) such other amounts as remain after the application of subsections (b) and (c).

''(e) LIMITATION ON APPLICATION.—

''(1) IN GENERAL.—This section shall not apply to amounts collected through recovery audits and recovery activity to the extent that such application would be inconsistent with another provision of law that authorizes crediting of the amounts to a nonappropriated fund instrumentality, revolving fund, working capital fund, trust fund, or other fund or account.

''(2) SUBSECTIONS (c) AND (d).—Subsections (c) and (d) shall not apply to amounts collected through recovery audits and recovery activity, to the extent that such amounts are derived from an appropriation or fund that remains available for obligation, or that remain available for recording, adjusting, and liquidating obligations properly chargeable to that appropriation or fund at the time the amounts are collected.

''§ 3564. Management improvement program

''(a) CONDUCT OF PROGRAM.—

''(1) REQUIRED PROGRAMS.—The head of each executive agency that is required to conduct recovery audits under section 3562 of this title shall conduct a management improvement program under this section, consistent with guidelines prescribed by the Director.

''(2) DISCRETIONARY PROGRAMS.—The head of any other executive agency that conducts recovery audits under section 3562 that meet the standards issued by the Director under section 3565(b)(2) may conduct a management improvement program under this section.

''(b) PROGRAM FEATURES.—In conducting the program, the head of the executive agency—

''(1) shall, as the first priority of the program, address problems that contribute directly to agency overpayments; and

''(2) may seek to reduce errors and waste in other programs and operations of that executive agency by improving the executive agency's staff capacity, information technology, and financial management.

''(c) INTEGRATION WITH OTHER ACTIVITIES.—The head of an executive agency—

''(1) subject to paragraph (2), may integrate the program under this section, in whole or in part, with other management improvement programs and activities of that agency or other executive agencies; and

''(2) must retain the ability to account specifically for the use of amounts made available under section 3563 of this title.

''§ 3565. Responsibilities of the Office of Management and Budget

''(a) IN GENERAL.—The Director shall coordinate and oversee the implementation of this subchapter.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Chief Financial Officers Council and the President's Council on Integrity and Efficiency, shall issue guidance and provide support to agencies in implementing the subchapter. The Director shall issue initial guidance not later than 180 days after the date of enactment of the Government Waste Corrections Act of 2000.

''(2) RECOVERY AUDIT STANDARDS.—The Director shall include in the initial guidance under this subsection standards for the performance of recovery audits under this subchapter, that are developed in consultation with the Comptroller General of the United States and private sector experts on recovery audits, including such experts who currently use recovery auditing as part of their financial management procedures.

''(c) FEE LIMITATIONS.—The Director may limit the percentage amounts that may be paid to contractors under section 3562(d)(1) of this title.

''(d) EXEMPTIONS.—

''(1) IN GENERAL.—The Director may exempt an executive agency, in whole or in part, from the requirement to conduct recovery audits under section 3562(a)(1) of this title if the Director determines that compliance with such requirement—

''(A) would impede the agency's mission; or

''(B) would not, or would no longer be cost-effective.

''(2) REPORT TO CONGRESS.—The Director shall promptly report the basis of any determination and exemption under paragraph (1) to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

''(3) EXEMPTION OF MAJOR DEFENSE SYSTEM ACQUISITION PROGRAMS.—

''(A) IN GENERAL.—Unless determined otherwise by the head of the agency authorized to conduct a Department of Defense major system acquisition program, the requirements of section 3562(a) of this title shall not apply to such a program procured with a cost-type contract until the contract has become a closed contract.

''(B) DEPARTMENT OF DEFENSE MAJOR SYSTEM ACQUISITION PROGRAM DEFINED.—In this paragraph, the term 'Department of Defense major system acquisition program' has the meaning that term has in Office of Management and Budget Circular A–109, as in effect on the date of the enactment of the Government Waste Corrections Act of 2000.

''(e) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date the Director issues initial guidance under subsection (b), and annually for each of the 2 years thereafter, the Director shall submit a report on implementation of the subchapter to the President, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Appropriations of the House of Representatives and of the Senate.

''(2) CONTENTS.—Each report shall include—

''(A) a general description and evaluation of the steps taken by executive agencies to conduct recovery audits, including an inventory of the programs and activities of each executive agency that are subject to recovery audits;

''(B) an assessment of the benefits of recovery auditing and recovery activity, including amounts identified and recovered (including by administrative setoffs);

''(C) an identification of best practices that could be applied to future recovery audits and recovery activity;

''(D) an identification of any significant problems or barriers to more effective recovery audits and recovery activity;

''(E) a description of executive agency expenditures in the recovery audit process;

''(F) a description of executive agency management improvement programs under section 3564 of this title; and

''(G) any recommendations for changes in executive agency practices or law or other improvements that the Director believes would enhance the effectiveness of executive agency recovery auditing.

''§ 3566. General Accounting Office reports

''Not later than 60 days after issuance of each report under section 3565(e) of this title the Comptroller General of the United States shall submit a report on the implementation of this subchapter to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives and of the Senate, and the Director.''.

(b) APPLICATION TO ALL EXECUTIVE AGENCIES.—Section 3501 of title 31, United States Code, is amended by inserting ''and subchapter VI of this chapter'' after ''section 3513''.

(c) DEADLINE FOR INITIATION OF RECOVERY AUDITS.—The head of each executive agency shall begin the first recovery audit under section 3562(a)(1) title 31, United States Code, as amended by this section, for each payment activity referred to in that section by not later than 18 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 35 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER V—RECOVERY AUDITS

''Sec.
''3561. Definitions.
''3562. Recovery audit requirement.
''3563. Disposition of amounts collected.
''3564. Management improvement program.
''3565. Responsibilities of the Office of Management and Budget.
''3566. General Accounting Office reports.''.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana:

In section 3(a), in the proposed section 3561(1), strike ''actually received'' and inserting ''received or credited, by any means, including setoff,''.

In section 3(a), in the proposed section 3561(5)—

(1) in subparagraph (A), strike ''document submitted'' the first place it appears and insert ''submission given'';

(2) in subparagraph (B)(ii), add ''or'' after the semicolon; and

(3) strike the matter following subparagraph (B)(iii).

In section 3(a), in the proposed section 3562(c)(1), strike ''the 2 consecutive fiscal years'' and all that follows through the period and insert ''the fiscal year in which the Government Waste Corrections Act of 2000 is enacted, and payments made in the preceding fiscal year.''.

In section 3(a), in the proposed section 3562(d)(4)(A), strike ''and financial information'' and insert '', and any financial information,''.

In section 3(a), in the proposed section 3562, after subsection (e) insert the following (and redesignate the subsequent subsection as subsection (g)):

''(f) RELATIONSHIP TO OTHER AUDIT AUTHORITY.—Nothing in this subchapter shall be construed as diminishing the authority granted under section 3726 of this title.

In section 3(a), in the proposed section 3562(g) (as so redesignated), strike paragraph (2) and insert the following:

''(2) DESTRUCTION OR RETURN OF INFORMATION.—(A) Upon the date described in subparagraph (B), a nongovernmental entity having possession of individually identifiable information disclosed in the course of a recovery audit or recovery activity under this chapter performed by the nongovernmental entity shall destroy the information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

''(B)(i) Except as provided in clause (ii), the date referred to in subparagraph (A) is the date of conclusion of the matter or need for which the information was disclosed.

''(ii) If on the date referred to in clause (i) the nongovernmental entity has actual notice of any oversight of the recovery auditing or recovery activity, the date referred to in subparagraph (A) is the date of the conclusion of such oversight.

In section 3(a), in the proposed section 3563(e)(2), strike '', or that remain available for recording, adjusting, and liquidating obligations properly chargeable to that appropriation or fund''.

In section 3(a), in the proposed section 3565(e)(1), strike ''Not later than 1 year after the date the Director issues initial guidance under subsection (b),'' and insert ''Not later than 30 months after the date of the enactment of the Government Waste Corrections Act of 2000,''.

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, this amendment contains technical and clarifying corrections to the legislation that I have worked out in advance with our ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from Texas (Mr. TURNER), the subcommittee ranking member.

There are eight changes that include such things as correctly aligning reporting dates and clarifying language used in definitions. These changes serve to make the intent of the bill as clear as possible.

I think this is an amendment that everybody will support. It is technical in nature and has been cleared with the ranking minority members, as well.

Mr. TURNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as the gentleman from Indiana (Mr. BURTON) stated, after this bill went to the Committee on Rules, it was discovered that there was a need for some technical corrections and clarifications. This amendment does that. It is bipartisan. It is noncontroversial.

I thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), and the gentleman from California (Mr. HORN) of our subcommittee for the work they did in addressing these concerns. I urge adoption of the manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill add the following:

SEC. . STUDY.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a study of the effects of recovery audits conducted by executive agencies, including any significant problems relating to the provision of improper or inadequate notice of recovery audits to persons who are the subjects of such audits.

(b) REPORT.—The Director shall report to the Congress the findings, conclusions, and recommendations of the study under this section.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Indiana (Chairman BURTON); the gentleman from California (Mr. WAXMAN), the ranking member; the gentleman from California (Mr. HORN), the subcommittee chair; and the gentleman from Texas (Mr. TURNER) for their cooperation on the amendment that I am about to offer. I want to commend my colleagues for their bipartisan fashion on working on this legislation.

I believe a study should be incorporated to properly assess due process concerns raised by recovery audits performed on a contingency basis for their constituency or error identification.

Let me say that the underlying bill I applaud, and I do believe that it will be an important new vehicle to help save the Government money. In particular, for example, in purchases such as a new weapons system, it is extremely important for us to be able to recover overpayments. However, I think this amendment will provide us with additional assistance.

The Government Waste Corrections Act focuses on recovery auditing of an agency spending for direct contracting, the purchase of goods and services for direct benefit and the use of the Government.

The legislation, appropriately, does not require recovery auditing for programs that involve payments to third parties. Indeed, this legislation could include audits of payments to a contractor to build a new veteran's hospital or other systems. Regretfully, however, the bill does not contain sufficient explanation of the procedural aspects, such as due process concerns for those affected of recovery auditing that will occur on a contingency basis.

For example, notices of payments on demand are very important to targets of audits. This ensures that everyone understands what is owed. Recovery auditing may provide the wrong kind of incentives to those justifiably trying to identify Government waste.

Therefore, I am offering an amendment to require the Office of Management and Budget to study the effects of recovery audits authorized by this legislation, including any significant problems about proper notice to persons who are subjects of such audits.

I think if we do this research, Mr. Chairman, we will be able to determine whether or not we are giving the appropriate notice so that those who are the subject of an audit can appropriately respond but, as well, appropriately refund the monies that may have been overspent by the Government.

I ask my colleagues to join me in supporting this amendment to a very good piece of legislation that will address both the issue of overpayments but, as well, the questions of due process and being fair to our large, medium, and small businesses that do business with the United States Government.

Mr. BURTON of Indiana. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there is a reporting requirement in the bill in section 3565(c) of the legislation under the Responsibilities of the Office of Management and Budget. However, if the gentlewoman from Texas (Ms. JACKSON-LEE) feels like this is necessary to have an additional study, even though I think that is covered in the bill, we have no objection to it, and we will accept the amendment.

Mr. TURNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas (Ms. JACKSON-LEE).

This amendment would require OMB to conduct a study on the adequacies of the notices on overpayments provided to the companies that are subject to recovery audits.

Companies that are audited deserve to know detailed information about the nature of the overpayments that the recovery auditors identify.

1330

I appreciate the remarks made by the gentleman from Indiana. I think it is appropriate that we include this in this bill. I want to commend the gentlewoman from Texas for bringing this amendment forward. I would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. FOWLER) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, pursuant to House Resolution 426, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 1 o'clock and 32 minutes p.m.), the House stood in recess until approximately 2 p.m.

1402

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 2 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair will now put the question on the passage of H.R. 1827 and each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1827, de novo;

H.R. 2952, de novo; and

H.R. 3018, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GOVERNMENT WASTE CORRECTIONS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question de novo of the passage of the bill, H.R. 1827, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 59, as follows:

[Roll No. 29]

YEAS—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
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
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Berman
Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Dooley
Doolittle
Dunn
Ehrlich
Eshoo
Filner
Ford
Gallegly
Gillmor
Herger
Hinojosa
Hunter
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Martinez
McKeon
McKinney
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Packard
Pascrell
Payne
Radanovich
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Souder
Spence
Tanner
Vento
Waters
Woolsey

1426

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to improve the economy and efficiency of Government operations by requiring the use of recovery audits and recovery activity by Federal agencies.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 29 I was inadvertently detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Barrett of Nebraska). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each motion to suspend the rules on which the Chair has postponed further proceedings.

KEITH D. OGLESBY STATION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2952.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. Terry) that the House suspend the rules and pass the bill, H.R. 2952.

The question was taken.

RECORDED VOTE

Mr. FOSSELLA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 57, as follows:

[Roll No. 30]

AYES—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre

McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—57

Armey
Berman
Bilbray
Bono
Brady (TX)
Brown (OH)
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Gallegly
Gillmor
Hinojosa
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Lee
Martinez
McKeon
McKinney
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Pascrell
Payne
Radanovich
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Smith (NJ)
Souder
Spence
Tanner
Vento
Waters
Woolsey

1435

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LAYFORD R. JOHNSON POST OFFICE, RICHARD E. FIELDS POST OFFICE, MARYBELLE H. HOWE POST OFFICE, AND MAMIE G. FLOYD POST OFFICE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and passing the bill, H.R. 3018, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 3018, as amended.

The question was taken.

RECORDED VOTE

Mr. FOLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 0, not voting 59, as follows:

[Roll No. 31]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
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Pombo
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Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
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Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
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Sherman
Sherwood
Shimkus
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Simpson
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Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
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Stump
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Sununu
Sweeney
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Tancredo
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Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
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Weldon (PA)
Weller
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Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Armey
Baldacci
Berman
Bilbray
Bono
Brown (FL)
Brown (OH)
Buyer
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Gallegly
Hinojosa
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Martinez
Matsui
McIntyre
McKeon
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Pascrell
Payne
Radanovich
Reynolds
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Souder
Spence
Tanner
Vento
Waters
Weldon (FL)
Woolsey

1444

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to designate certain facilities of the United States Postal Service in South Carolina.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 2952, to redesignate the facility of the U.S. Postal Service in Greenville, South

Carolina as the Keith D. Oglesby Station, introduced by the gentleman from South Carolina, Mr. DEMINT, I would have voted "yea."

On H.R. 3018, to designate the U.S. postal office located at 557 East Bay Street in Charleston, South Carolina as the Marybelle H. Howe Post Office introduced by the gentleman from South Carolina, Mr. CLYBURN, I would have voted "yea."

On H.R. 1827, the Government Waste Corrections Act, introduced by the gentleman from Indiana, Mr. BURTON, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 979

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 979.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

CONGRATULATING LITHUANIA ON THE TENTH ANNIVERSARY OF ITS INDEPENDENCE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 91) congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The Clerk read as follows:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

1445

The SPEAKER pro tempore (Mr. OSE). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of Senate Concurrent Resolution 91 congratulating Lithuania on its 10th anniversary of the reestablishment of its independence.

Mr. Speaker, it is hard to believe that 10 years have now passed since the Lithuanian nation took their courageous step of declaring independence from the Communist dictatorship of the former Soviet Union. And despite the passage of these last 10 years, many of us who served in the Congress at that time still vividly remember the struggle that Lithuania had to undertake in order to make that declaration a reality.

We recall the thousands of Soviet troops who were then garrisoned in Lithuania. We also recall the Soviet armored columns rolling through the capital of Vilnius in the dead of night some 10 years ago. We also remember the economic boycott that was imposed on Lithuania by the Soviet regime in Moscow. We remember too how Soviet President Mikhail Gorbachev insisted that, if Lithuania were to secede from the Soviet Union, it would have to compensate the Soviet government for all its investments in Lithuania since 1940, the year when the Soviet Union invaded and occupied that country.

What an ironic demand that was, given the fact that Lithuania never asked to be part of the Soviet Union, and given the fact the Soviet Union's so-called legacy to Lithuania and to its neighbors, if not a curse, was a very questionable legacy at best.

In fact, it has taken all of the strength that the Lithuanian people could muster to overcome the so-called blessings of that legacy bestowed by the former Soviet regime, including all of the dilapidated industries, their environmental damage, and the lack of trading and preparation that was needed by the Lithuanians to succeed in any market-oriented economy.

Now, Mr. Speaker, some 10 years later, in spite of that so-called legacy, Lithuania is now looking to its future and building on the progress it has made in the decade since the Soviet Union broke up.

Today, thousands of Soviet troops are gone. Today, Lithuania is a member of NATO's alliance's Partnership For Peace program and is looking forward to the day when it may become a full member of that alliance. And, today, Lithuania is actively seeking membership in the European Union.

Lithuania has implemented market reforms despite the tremendous difficulties associated with the economic transformation from a Communist system of control of workers and resources to the system of private enterprise and free markets. In short, Lithuania is working to return to its rightful place in Europe and in the world.

Mr. Speaker, I am pleased that our Nation has played a strong role in helping Lithuania, not just since it gained its independence but during the many years when it refused to recognize the Soviet Union's illegal incorporation of that country into its Communist dictatorship.

The passage of this resolution, Mr. Speaker, congratulates Lithuania and its people on the 10th anniversary of their independence, recognizing the role that Lithuania played in the breakup of the Soviet Union, and noting the reforms that Lithuania has struggled to implement. Accordingly, Mr. Speaker, I urge the passage of this worthy resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEJDENSON asked and was given permission to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that, at the conclusion of my remarks, the remaining control of the time be yielded to the gentlewoman from California (Ms. LEE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I join my colleague, the gentleman from New York (Mr. GILMAN), and the distinguished Senator from Illinois, Mr. DURBIN, who authored this resolution in the Senate, in recognition of a decade of great success and change by my mother's homeland, Lithuania.

This year, I had the opportunity to drive from my mother's Lithuania to my father's Belarus, and it exposes the incredible difference between the situation in Lithuania where they have engaged freedom and democracy. I had been to Vilnius in 1982, and what a change in these last 16, 17 years, from that time to my most recent trip. I could see it on the people's faces, the freedom, the opportunity to express themselves without fear of retribution

or being followed by secret police. It is a thriving country, building strong relationships with its democratic and free neighbors. Sadly, in Belarus, the opposite is true. The economic situation continues to deteriorate and the people lose their freedom on a daily basis.

I am thrilled and privileged to be here in the United States Congress, having my mother and grandparents' on her side of the family, all having been born in Vilnius, being here today on the floor and, frankly, doing something that many of us thought might not happen in our lifetime, celebrating not just the first anniversary of freedom in Lithuania but a full decade; only the beginning of decades and centuries to come.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), the cochairman of the Baltic caucus.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of Senate Concurrent Resolution 91.

As cochairman of the House Baltic caucus, I am delighted that the House is joining the Senate in recognizing the 10th anniversary of the reestablishment of Lithuania's independence. Yes, the reestablishment. The original independence celebration actually goes back 80 years, when they first had freedom, prior to the Soviet aggression.

I have been down on this floor many times talking about the turbulent histories of the Baltic nations. I am pleased that today we are recognizing accomplishments. Over the last 10 years, Lithuania has worked diligently to ensure the human rights of its citizens, develop a free market economy, and pursue a course of integration into the European Union and NATO.

Additionally, the stability and peace which Lithuania brings to the Baltic region as it develops into a free and democratic nation is something that we all should be thankful for. It is my hope that Members of this body realize that, while we are celebrating just Lithuania today, Latvia and Estonia are also on the right path. While they all have turbulent histories, we should focus on the strides they have made to correct past injustices within their own borders. These are countries we should be proud of and embrace their burgeoning democratic ideas.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time, and I thank the gentleman for his supporting remarks.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, the Lithuanian people have always been in the forefront of democracy. Ten years ago, the Lithuanian parliament defied the Soviet Union by proclaiming its independence.

Today, Lithuania continues to be the window of democracy for its neighbors. Lithuania has welcomed the exiled politicians from Belarus who fled the oppressive regime of President Lukashenka.

The Lithuanian people should be proud of the magnitude of the political transformation. Lithuania today is a European nation. This week, the Lithuanian delegation, headed by Professor Landsbergis, is in Washington to commemorate this historic transformation.

Lithuanian economic achievements are no less significant. Lithuania has successfully carried out economic reforms and is well on its way to developing a functioning market economy. Lithuania, together with other Baltic countries, is considered a success story.

Mr. Speaker, I urge my colleagues to support Senate Concurrent Resolution 91.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 91 which congratulates Lithuania on the tenth anniversary of the reestablishment of its independence.

After declaring independence from the Soviet Union in 1918, Lithuania enjoyed two decades of self rule. During this period, Lithuanians were free to follow their cultural traditions and express their national identity. In 1940, Soviet troops invaded and occupied Lithuania and Lithuanians spent the next five decades under Soviet domination, forced to deny their heritage, language and traditions. At last, Lithuania regained its independence in 1990; indeed, I was pleased to visit Lithuania shortly thereafter and celebrate the regaining of its independence.

History is a crucible that melts away the extraneous to reveal the truly relevant events in human experience. One hundred years from now, when historians look back at the events of the 20th Century, I suspect they will marvel at the astonishing speed at which the barriers to freedom, which for so many years seemed so insurmountable, finally fell in Lithuania and throughout Eastern Europe. A century from now, the history books will say that freedom came to Lithuania as a result of the persistence and unbending spirit of the Lithuanian people.

It is altogether fitting that Congress recognize and congratulate Lithuania on the 10th anniversary of the reestablishment of independence. I urge all my colleagues to join me in voting for this important resolution.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of S. Con. Res. 19 congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union. It is most appropriate that we are considering this resolution today, Mr. Speaker, because we have with us the most distinguished Speaker of the Lithuanian Parliament, Vytautas Landsbergis, who has played such a pivotal role in the renewal of the independence and sovereignty of Lithuania some ten years ago and who previously served as the President of Lithuania.

Mr. Speaker, I remember meeting with Speaker Landsbergis on a visit to Lithuania over ten years ago as the first stirrings of renewed independence were beginning to quicken life there. On that occasion, Speaker Landsbergis was a prominent musicologist and had not yet begun his political career. We walked together into one of Vilnius' outstanding Churches in order to get beyond earshot of the Soviet KGB officials who were directed to follow us. As we sat in one of the pews, we discussed his vision of the reestablishment of a sovereign and independent Lithuania. At that time, his vision appeared beyond any hope. Today, Mr. Speaker, we are celebrating the tenth anniversary of Lithuania's independence.

I had the opportunity to visit Lithuania just two months ago, Mr. Speaker, where I again had the opportunity to see the progress that has come after a decade of freedom. Lithuania's extraordinary progress during the past decade should serve as a model for all young democracies. Its leaders and its people have shown a commitment to free markets, civil liberties, and fair and open government as they have worked with such devotion to build their great nation. Lithuania stands today as a respected member of the international community and one of America's strongest allies. It is my sincere hope that, sooner rather than later, Lithuania's extraordinary achievements will be recognized in the form of a well-deserved invitation to join the NATO.

Mr. Speaker, there is one matter of particular importance for which I would like to praise Speaker Landsbergis and the members of the Parliament (Seimas). Last month, by a vote of 54 to 6 the Seimas adopted amendments to the Lithuanian legal code which permit the conduct of war crimes trials in absentia if the accused is unable to be present for the trial because of medical reasons. This action will enable the Government of Lithuania to seek justice against some of the most notorious perpetrators of atrocities alive today.

This legislation, which was drafted by my friend Dr. Emanuelis Zingeris, the Chairman of the Seimas' Human Rights Committee, states that if a person charged with genocide ''cannot for reasons of his physical condition, according to the findings of experts, be present at the place of the hearing, the defendant shall be provided technical facilities at the place where he is staying to directly take part in the hearing by giving evidence to the court, putting questions to other participants of the hearing and taking part in the proceedings.'' This reform will allow defendants in war crimes trials the right to participate in their own defense, but it also will permit the victims of these horrendous crimes against humanity to see that justice is done.

As a survivor of the Holocaust and as the Chairman of the Congressional Human Rights Caucus, I applaud the Seimas and its leaders for their action, for reaffirming so strongly the commitment of the Lithuanian Government to justice. I hope—and expect—that this initiative will allow the cold-blooded killers who were responsible for the crimes of the Holocaust to be held accountable for their crimes. Genocide must never be forgotten.

Mr. Speaker, in 1941 Fruma Kaplan was only six years old when she and her mother, Gitta, were arrested by Lithuanian Security Police (Saugumas) in the capital city of Vilnius. Fruma's crime? She was born Jewish, an unpardonable sin in Nazi-occupied Lithuania. On December 22 of that year, Fruma

and her mother were taken to the woods of Paneriai outside of Vilnius, stripped down to their underwear, lined up at the edge of pits, and viciously gunned down.

Fruma and Gitta Kaplan did not face their horrible fate along. Prior to 1941, Vilnius was home to one of the most vibrant Jewish communities in Europe. It was called the ''Jerusalem of the North.'' Artists, scholars, philosophers, and religious leaders all lived there, men and women renowned for their intellectual and cultural talents. After the Nazi invasion, they were slaughtered—55,000 of Vilnius' 60,000 Jews perished during World War II.

The death warrants for Gitta and little Fruma were signed by Aleksandras Lileikis, the Chief of the Lithuanian Security Police for Vilnius Province. He supervised the slaughter of Vilnius' Jewish community with precision and zeal, sending Jews to Paneriai regardless of age and infirmity. The Kaplan documents make up only a small portion of the overwhelming evidence which establishes Lileikis' guilt. Our own Department of Justice calls this evidence in the Lileikis case a ''shockingly complete paper trail.''

Lileikis and his deputy, Kazys Gimzauskas, escaped Lithuania and came to the United States after World War II. They lived quite lives, Lileikis in Massachusetts and Gimzauskas in Florida, evading the consequences of their crimes. It wasn't until this past decade—after the collapse of the Soviet Union and the opening of archives and other sources of information not available until that point—that the U.S. Department of Justice was able to accumulate the evidence which established the legal basis for stripping U.S. citizenship from these two individuals, who covered up their horrendous crimes. They were deported from the United States and ended up back in the newly independent Lithuania.

Since their return to Lithuania, Lileikis and Gimzauskas classified their wartime activities as the deeds of ''Lithuanian patriots,'' slandering the legacy of the untold thousands of courageous Lithuanians who fought to defend their national identity against Soviet might. Even so, these shameless men were never brought to trial, as their claims of medical and age-related infirmities stalled court proceedings indefinitely. The legal amendments passed by the Seimas promise to alter this status, because the Prosecutor-General of Lithuania can now initiate trials for Lileikis and Gimzauskas without further delay.

Lileikis and Gimzauskas are not alone. Several other Nazis have been denaturalized and deported by the U.S. Department of Justice, and the memory of the Holocaust demands that they be brought to justice as soon as possible. It is imperative that the Lithuanian Government send a firm and principled message that the murder of 240,000 of its Jewish citizens in the Holocaust will never be forgotten, not in this generation or in any generation to come. It is my hope that Lithuania will soon demonstrate this commitment by opening trials against Lileikis, Gimazuskas, and other Lithuanians who participated in Nazi atrocities.

Mr. Speaker, I applaud recent statements by President Valdas Adamkus, Prime Minister Andrius Kubilius, and Speaker Landsbergis in support of the immediate prosecution of Nazi war criminals. As the Prime Minister eloquently noted at the January Holocaust conference in Stockholm, pursuing war criminals is ''a moral duty that must be fulfilled in the 21st century as well,'' and that ''forgiving and forgetting [the culprits] is out of the question.'' I could not agree more strongly with this sentiment.

The prosecution of Nazi war criminals will complement and strengthen the efforts of the question.'' I could not agree more strongly with this sentiment.

The prosecution of Nazi war criminals will complement and strengthen the efforts of the Lithuanian Government to promote Holocaust education. The Commission for the Investigation of Crimes Committed during the Nazi and Soviet Occupation of Lithuania, formed in 1998 and ably co-chaired by Dr. Zingeris, promises a thorough study of ''the role of Lithuanians and others in the local population as perpetrators and/or collaborators in the Holocaust.'' The most vital responsibility of the Commission is clearly stated in its mission statement: ''Support for the preparation of educational materials and curricula for school students at all levels, to promote study, discussion and understanding of Lithuanian history during the Nazi and Soviet occupations.'' Mr. Speaker, the true measure of the Commission's success rests in its ability to convey its findings to the children and grandchildren of today's Lithuanians. I am hopeful that it will achieve this goal.

Mr. Speaker, I welcome the changes that have taken place in Lithuania over the past decade. As I mentioned earlier, I had the opportunity this past January to visit Vilnius and see first-hand the changes. While there, I participated in the Lithuanian opening of ''The Last Days,'' a documentary produced by Steven Spielberg and the Shoah Foundation about the experiences of five Hungarian survivors of the Holocaust. I was one of those five survivors, Mr. Speaker. As I walked through the neighborhood formerly occupied by the Jewish Ghetto, I was reminded of a part of Lithuanian heritage that can never be replaced—the talents and gifts of a quarter million murdered citizens and their unborn descendants. The loss overwhelmed me.

Later that evening, at the movie premiere, I was joined in my emotion by President Adamkus, Prime Minister Kubilius, Speaker Landsbergis, and a host of other prominent Lithuanian leaders. They attended as representatives of modern Lithuania—a nation strengthened by perseverance, emboldened by freedom, and sensitive to the consequences of human rights denied. It is a nation that, I am confident, will continue to learn from the lessons of its past and will use them to shape its future. The passage of the amendments to allow war criminals to be tried in absentia, and the prospect that the cases of Aleksandras Lileikis and other Nazi murderers will soon move forward, further strengthens my faith in this conviction.

Mr. Speaker, it is in this spirit that I urge my colleagues to join me in supporting S. Con. Res. 19. The accomplishments of the Lithuanian people during the past decades are impressive, but they pale only in comparison to the promise of this great nation in the years to come.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 91, the pending measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 91.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES DURING SUCH WAR

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

The Clerk read as follows:

H.J. RES. 86

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 90,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry S Truman ordered military intervention in Korea;

Whereas approximately 5,720,000 members of the Armed Forces served during the Korean War to defeat the spread of communism in Korea and throughout the world;

Whereas casualties of the United States during the Korean War included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

Whereas service by members of the Armed Forces in the Korean War should never be forgotten: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 50th anniversary of the Korean War;

(2) expresses the gratitude of the people of the United States to the members of the Armed Forces who served in the Korean War;

(3) honors the memory of service members who paid the ultimate price for the cause of freedom, including those who remain unaccounted for; and

(4) calls upon the President to issue a proclamation—

(A) recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism; and

(B) calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 86, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

The forgotten war. That is what many of our Korean War veterans think about their service in Korea and the Korean era, and yet there are so many names in the Korean War that are permanently installed in the American lexicon. Such names as Inchon, the 38th parallel, Heartbreak Ridge, Pork Chop Hill. How is it that we have come to forever remember the places of war but overlook the people that sacrificed and endured?

I would like to share a soldier's story. And there are many stories that individuals can share, whether it is in the sea or on the ground or in the air, but I would like to tell this one of a teenager from White County, Indiana, by the name of Bill Green.

1500

On June 23, 1950, before dawn, North Korean artillery opened fire across the 38th parallel with preparatory fires. A half hour later, the North Korean Army commenced a four-prong attack with an estimated nine divisions, numbering 80,000 men, 150 tanks and numerous artillery pieces.

At the time, Mr. Green served with K Company, the 21st Infantry, and the 24th Infantry. He was stationed in Japan as part of the World War II Army of Occupation under General Douglas MacArthur.

In less than a week, Mr. Green and his unit were air transported to Korea and formed Task Force Smith. The Force was tasked to delay and defend the attacking North Koreans at Osan, only 50 miles from the North Korean border.

Task Force Smith was comprised of the 7th, the 24th, and the 25th Divisions, as well as the 1st Cavalry. They were severely undermanned and totaled 66 percent of the normal combat strength. The 24th Division, to which Mr. Green was assigned, had only 10,800 men of a required 18,900 strength.

In fact, when Mr. Green's company arrived in Korea, it carried only two 81-mm base plates and two mortar tubes but no bipods to stabilize the weapon and no sights to aim the weapon.

In addition, K company had no recoilless rifles, the main weapon used against tanks, and the only jeep in the weapons company was a privately owned vehicle belonging to one of the privates. Furthermore, the artillery attached to Task Force Smith possessed only 13 anti-tank artillery rounds.

On July 2, 1950, the Task Force moved north from Pusan, South Korea, pushing through endless lines of bewildered refugees and retreating South Korean Army units.

On July 5, 1950, a strong force of North Korean infantry and tanks struck Task Force Smith as it stood alone in the roadway between attacking communist forces and the rest of a free South Korea. The outnumbered Americans fired artillery, bazookas, mortars and their rifles at North Korean communists and their Russian-made tanks.

During the battle, Task Force Smith was hopelessly outgunned and outnumbered. In the area of operations for the 24th Division, Mr. Green's 21st regiment was outmanned nine to one, approximately 9,000 to 1,000. The 21st Infantry, with only two rifle companies, a battery of 105 howitzers, two mortar platoons, and six bazooka teams received its baptism of fire in Korea by holding an entire enemy division for 7 hours. Escaping impending doom near Osan, the 21st fought its way out of encirclement and retreated 12 miles south.

Following the battle at Osan, Task Force Smith defended the town of Taejon, half way between the North Korean border and Pusan, the last stronghold of American and South Korean forces.

In August and September, Mr. Green participated in the defense of Pusan, which was only one area between advancing North Korean forces and the sea.

On September 19, 1950, Task Force Smith attacked across the Naktong River, breaking out of the Pusan Perimeter and beginning the rapid advance to the north, thus escaping the fall of South Korea and the certain death of thousands of Americans and South Koreans.

The reason I pause to share this is, this was an individual who was, like many others, teenagers, young men in their 20s even. They went and served in the military. This was the aftermath of World War II. They found themselves in the comfort of an occupation force. They were not adequately trained. They were not adequately manned and staffed. They were not even adequately resourced. Yet they were called because their country called them to duty. And that is what they were, called to duty. And they had to face an outnumbered force.

Yet they fought with truly an American character. They fought for no bounty of their own but to only leave freedom in their footsteps. The Korean War. Over 55,000 lost their lives in the Korean War. It is only proper that we pause and think about those, many of whom had just served in World War II, some of whom were not young enough to have served in World War II, Mr. Speaker, but they found themselves in a similar position as Mr. Green.

My father, John Buyer, is a Korean War-era veteran. He went to Culver Military Academy. He went to the Citadel. After all those years of military training, he decided to decline his commission, and wanted to go into medicine. But he got drafted. And instead of all his peers serving in the officer corps, my father taught me many things in his silence.

He ended up as a sergeant in the Army. Not once did he ever complain. Not once did he ever say, oh, I could have been an officer. No. His country called and he did his duty, like millions before.

I do not know whoever said that the Korean War was the forgotten war. But from my point of view, as a son of a Korean War-era veteran, it is a meaningful war to me.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this resolution, H.J. Res. 86, a resolution commemorating the 50th anniversary of the Korean War.

I cannot help, while sitting here awaiting my moment to speak, to think of names like Barney Rostine, Richard Yates, Jim Sparks, schoolmates of mine who paid the ultimate price and were killed in action during the Korean War.

I was fortunate to have a roommate in law school who later became a judge in Brookfield, Missouri, by the name of Robert Devoy, who fought in the Pusan Perimeter, the conflict of which the gentleman from Indiana (Mr. BUYER) just mentioned. So it is with great respect and reverence that I support this resolution today.

Fifty years ago this June, President Harry S. Truman ordered United States military intervention on the Korean Peninsula. Over the next 3 years, over 54,000 Americans paid the ultimate price; and 33,000 were actually killed in action. Over 110,000 Americans were wounded or missing in action. In addition, over 228,000 South Korean soldiers and untold numbers of civilians gave their lives.

These stark statistics serve as a reminder to all of us that the aphorism ''freedom isn't free'' is more than just a few words. The sacrifices of thousands of American service members purchased the freedom that South Koreans enjoy to this day, a freedom that our military continues to protect.

In many respects, our participation in the Korea conflict presaged and has served as a model for our way of military operations today.

Korea was the first multilateral United Nations operation, and it has become the longest standing peacekeeping operation in modern times.

The unfortunate experience of Task Force Smith has taught us the paramount importance of sending forces into battle only when they are adequately trained and equipped.

We have also learned that units cannot be thrown piecemeal into battle but must be engaged in a coordinated fashion with air and sea power and with overwhelming force.

The lessons of the Korean War, taught at such great costs, have served us well in the conflicts in which we have participated since then, from Vietnam to the Persian Gulf War and now in Bosnia and Kosovo.

As much as we may be inclined to remember the leaders who ultimately brought us victory in the Korean War—Truman, MacArthur, Acheson, Walker and Ridgeway—it is really the men and women who served so bravely to whom we should pay tribute today. And that is what we do. Without their selfless dedication, their valor, their perseverance, the people of South Korea would not be living in a free and prosperous society as they are.

This resolution recognizes their service, expresses the gratitude of the American people, and calls upon the President of the United States to issue an appropriate proclamation, something he unquestionably should do.

Mr. Speaker, I urge all my colleagues to support H.J. Res. 86.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EWING), the sponsor of the bill.

(Mr. EWING asked and was given permission to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I rise today in support of House Joint Resolution 86, which I proudly have introduced in this House.

The year 2000 marks the 50th anniversary of the Korean War. This joint resolution recognizes this important anniversary and the sacrifice of all members of the Armed Forces who served there.

I thank the 210 of my colleagues who have cosponsored this important piece of legislation, and I thank them for offering their support to the Korean War veterans.

On June 25, 1950, communist North Korean forces crossed the 38th Parallel and invaded the country of South Korea. Two days later, on June 27, 1950, President Harry S. Truman called on American military forces to intervene. Over the next 3 years, 5.72 million Americans would heed the call to service.

When the fighting came to an end on July 27, 1953, 92,134 had been wounded, 54,260 Americans had died, 33,665 of which were battle dead; 8,176 were either prisoners of war or missing in action.

Every time I have visitors come to this great city, one of the things that I like to see them take in, particularly at night, is the Korean War Memorial. It is truly a most moving tribute to our servicemen.

The Korean War ended just before I graduated from high school, but it was a real part of my life. My brother was serving in the military. Later I met many of my future college fraternity brothers who had served in Korea, and I shared stories with them. But even though the fighting in Korea ended in 1953, for the next 40 years, America stood on the victory of our soldiers in Korea. And I believe that the victory in Korea started the downfall of communism, until its ultimate defeat 10 years ago. And yet, our military still serves freedom's goals in Korea in protecting this country.

In my own Congressional district, veterans have joined together to build a Korean War Veterans National Museum and Library in Tuscola, Illinois. This may well be the first facility solely devoted to the remembrance, research, and study of the Korean War.

By calling on the President to issue a proclamation recognizing the 50th anniversary of the Korean War and calling on the American people to observe this occasion with appropriate ceremonies and activities, efforts such as these of the veterans in the 15th District of Illinois remembering this war will be very, very meaningful.

As veterans across the country join together over the next 3 years to remember both the victories and their fallen colleagues, we in Congress must take the lead by saying thank you to those who returned and those who did not.

Regretfully, the Korean War is often referred to as ''the forgotten war.'' By passing this resolution, we in the House of Representatives, Republicans and Democrats, but first of all Americans, we can help end that nomenclature for the Korean War.

I would not only like to thank Chairman SPENCE for bringing this bill forward for consideration, but I would also like to thank him and all of our colleagues whose service here in this chamber was preceded by their sacrifice in Korea in defense of freedom.

In a short while, we will vote on this joint resolution. Let it not be forgotten that we may not even have this opportunity to vote this day had it not been for these heroes who so faithfully fought to protect the republic. To the veterans who served and those who made the ultimate sacrifice, we say thank you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCNULTY).

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Mr. McNULTY. Mr. Speaker, I rise in very strong support of this joint resolution of which I am proud to be a cosponsor. I agree with the author of this resolution and the other Members who have spoken in saying that it is high time we remove any remaining perception that this is a forgotten war. I am very proud of the fact that in the 21st District of the State of New York, it is certainly not forgotten. We have beautiful memorials to the Korean War veterans both in Albany and in Troy; and on the first Monday of every month, Mr. Speaker, in Albany, we salute a distinguished veteran. We do the same thing on the second Monday of every single month in Rensselaer county to keep the memories alive and to give thanks.

And so today I salute and pay tribute to the more than 54,000 Americans who gave their lives in service to our country, a sacrifice which my brother made in a succeeding war. I also salute those who are still alive today from the Korean era; and there are many, like my friend Ned Haggerty who is twice the recipient of the Purple Heart.

This is a good resolution, also, for us to generally stop and pause and get our priorities straight and to remember that had it not been for the men and women who wore the uniform of the United States military through the years, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on earth. Freedom is not free. We paid a tremendous price for it. That is why when I get up in the morning as my first two priorities, I thank God for my life and then I thank veterans for my way of life. Today, I especially thank those from the Korean era.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Indiana for yielding time to me. I thank the gentleman from Illinois (Mr. EWING) for introducing this measure.

Mr. Speaker, June 25 will mark the 50th anniversary of the outbreak of the Korean War. It is called the forgotten war not because it was not important, but because it came between the most popular war, World War II, and the most controversial war, the war in Vietnam. It was the first real resistance to world communism.

America at the mid-century point still yearned for peace. That was especially true for those of us who fought during World War II. But it was not to be. World War II had made America the undisputed champion of the free world. There was no other power capable of responding when North Korea launched an all-out predawn attack on the south hoping to unite the Korean peninsula under Communist rule. North Korea with the aid of the Soviet Union and Communist China thought conquest would be quick and easy.

Mr. Speaker, they were wrong. The Korean War was as bitter and bloody as any war America ever fought. It taught us many lessons and still teaches us today. It taught a lesson to those who thought America would not accept the role of defender of the free world. Mr. Speaker, it is my hope by the time this year is over, neither the Korean War nor the men who fought in it will be forgotten any longer. It certainly will not be forgotten by the more than 50,000 families who lost loved ones in the Korean War.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in strong support of this bill. With over 60,000 military retirees and veterans in my district, which includes thousands of Korean War veterans, I am proud to be a cosponsor of this bill and to speak in support of its passage today.

The 50th anniversary of the Korean War is a time for all Americans to reflect on the incredible sacrifices made by our men and women in preserving liberty on the Korean peninsula. Mr. Speaker, our Korean War veterans are America's heroes for their incredible courage and bravery. They fought for freedom under some of the harshest combat conditions imaginable.

Last December I had the opportunity to visit our troops stationed in Korea. I saw firsthand the rough terrain and cold and cruel climate that our Korean veterans endured and which our troops today continue to bear in defense of peace along the 38th Parallel. Looking back on these sacrifices, none of us should ever forget the honorable service of our Korean War veterans, nor should we forget the sacrifices made by their families.

As the Korean War memorial in Washington, D.C. reflects, freedom is not free. No one knows that better than our Korean War veterans. Millions of American soldiers left their families, friends, and their lives to defend the people of a faraway land, far from the United States. They are part of our American legacy that has always been ready to take up arms whenever necessary to protect our national security and turn back the attacks of totalitarianism. When we stand and take stock of the freedom and security that our Nation enjoys today, let us never take for granted the contributions and patriotism of our Korean War veterans.

This 50th anniversary commemoration should, therefore, serve as a strong reminder of our gratitude to our Korean War veterans and to our soldiers currently deployed around the world serving proudly on behalf of this country. It honors the memory of those who paid the ultimate sacrifice for the cause of freedom and recognizes our continuing commitment to those who remain unaccounted and still missing. Let us with this resolution begin a year of remembrance and recognition.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, I rise in support of the resolution.

When war broke out in Korea, America plunged headlong into conflict half a world away without even a week's notice. Brave men and women from around our great nation responded immediately to the call for help. They left families, traveled thousands of miles from home to the Korean peninsula, fought fiercely for freedom, and turned back the tide of communist aggression.

Some may call Korea the ''Forgotten War'', but we must never forget the enormous sacrifices these fine American's made. I fill with pride as I listen to veterans from my district speak of their Korean War experiences. One can only imagine the horrors of war they underwent. I salute those who endured the bitter cold, driving monsoon rains, nerve-racking machine gun fire, and relentless bombardment in their successful attempt to protect freedom for all.

It is time, Mr. Speaker, to recognize and honor these great Americans. General Matthew Ridgeway, 8th United States Army Commander, best described what the service men and women were fighting for under his command in Korea. He accurately noted ''this has long since ceased to be a fight for freedom for our Korean Allies alone and for their national survival. It has become, and it continues to be, a fight for our own freedom, for our own survival, in an honorable, independent national existence.'' Our fine men and women fought to uphold the principles of our democracy. They fought for our liberty.

Let us never forget the 5,720,000 Americans who nobly served on land, in the air, and at sea during the Korean War. Their sacrifices were immeasurable and accomplishments great in places like Pusan, Chosen Reservoir, Yalu River, and Inchon. They faced an enemy of superior number, but never their equal in determination and fortitude. These Americans took the first stand against communism and won.

The Korean War taught us several things which are applicable today. First, it reminds us to recognize, appreciate and take care of the veterans who fought for this country. Let us continue to build upon our first session successes in regards to veterans legislation. We must honor our commitment to veterans, as they honored their obligations in Korea.

It also reminds us of the importance of having a fully manned, equipped, and trained force. Ready forces deter the type of aggression we saw exhibited in Korea. America's forces must have the resources to be able to protect our freedom.

Mr. Speaker, please join me in supporting House Joint Resolution 86, recognizing the 50th Anniversary of the Korean War. America's men and women served bravely and deserve our highest recognition.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time. I am pleased to rise in support of this resolution enabling Congress to duly recognize the significance of the 50th anniversary of the Korean War and allowing us to pay tribute to our armed forces who served and honoring those who made the ultimate sacrifice or are still unaccounted for as a result of the Korean War. Regrettably the Korean veterans have not received due recognition, the Korean War having become known as the forgotten war. I hope we can change that designation.

Those who served in Korea faced the same harrowing experiences and personal sacrifices that all veterans face while engaged in hostilities. The Korean War was the first successful multinational operation carried out under U.N. auspices. At the same time, the strong U.S. desire to keep the Soviet Union out of the conflict placed severe constraints on U.S. operations in Korea.

Over the past few years, there has been a strong focus on the 2,000 unaccounted-for POWs and MIAs of the Vietnam war. While our hearts go out to all the families of missing veterans, we must not forget that 8,100 veterans are still unaccounted for in Korea. Accordingly, Mr. Speaker, I urge our distinguished colleagues to support H.J. Res. 86 so that the efforts of our Korean veterans can be duly recognized.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, I want to join my colleagues in honoring the veterans of the Korean War on the 50th anniversary of the beginning of this international conflict. The men and women who served in the armed forces during this so-called forgotten war are to be commended for the sacrifices they made while fighting in this distant land.

I especially want to commend the veterans from Puerto Rico who served our country during this period. Over 61,000 Puerto Rican soldiers served in Korea, constituting 8 percent of the U.S. forces. Individually, they received numerous awards for gallantry in combat, including 8 recipients of the Distinguished Service Cross and 129 recipients of the Silver Star. The Army's most decorated unit during the Korean conflict was the Puerto Rican 65th Infantry Regiment, which was known throughout the Army as the Borinquenos, which is from the Indian name for Puerto Rico. In total 3,049 Puerto Ricans were wounded in combat and 756 gave their lives in defense of American democratic values. I would like to share a letter from General Douglas MacArthur, the Supreme Commander for the allied powers in the Korean operation, who wrote to the commander of the 65th Infantry on February 12, 1951:

''The Puerto Ricans forming the rank of the gallant 65th infantry on the battlefield of Korea by valor, determination and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud

indeed to have them in this command. I wish that we may have many more like them.''

I thank the gentleman for allowing me the opportunity to honor the sacrifices of the gallant Americans who served in the armed forces during the Korean War.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in very strong support of this resolution, which honors the 1.7 million Americans who served our country so courageously in the Korean theater. It is often called the forgotten war, but because of the long-term impact it has had on the world, this war and its veterans certainly should be anything but forgotten.

The Department of Defense is starting a commemoration period lasting until 2003 to honor the many veterans who served in this war. National and international events are planned and an education program is under way to encourage study of the Korean War in high school history programs. I urge all Americans to take time to honor these veterans and reflect on the sacrifices that they made for this country.

I served in the Navy during the Korean War, but I spent the war years stateside. Even though I was never in theater, I still think of the Korean War as the war of my generation. There were 5.7 million of us who served worldwide during the Korean war. Unfortunately, the veterans of that war have never been as honored as their counterparts who served in World War II just a few years before. That is why it means so much to me that we are now taking this opportunity 50 years later to honor these people.

I rise today in strong support of this resolution which honors the 1.7 million Americans who served our country so courageously in the Korean theater. The Korean War is often called the forgotten war, but because of the long-term impact it's had on the world, this war and its veterans should be anything but forgotten.

The Korean War changed the way wars were fought in a nuclear age, and marked the beginning of the Cold War. Our involvement in the Korean War serves as a poignant reminder of the power of American efforts against communist aggression. Since then, we've made a forty year investment in South Korea, toward peace and stability in the region.

The Department of Defense is starting a commemoration period lasting until 2003, to honor the many veterans who served in this war. National and international events are planned, and an education program is underway to encourage study of the Korean War in high school history programs. I urge all Americans to take time to honor these veterans, and reflect on the sacrifices they made for our country.

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Unfortunately, the veterans of that War have never been as honored as their counterparts who served in World War II, just a few years before. That's why it means so much to me that we are now taking this opportunity—fifty years later—to say thank you to everyone who did their part, to protect and promote democracy. Freedom is not free, but protecting freedom is among the most honorable calls one can answer.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL) who saw and was part of the conflict, former staff sergeant in the United States Army, now a distinguished and highly regarded Member of this Congress.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for giving me this opportunity. I guess it was in June of 1950 when I was with the 2nd Infantry Division at Fort Lewis, Washington, when we heard that there was a police action in Korea. In July and August of that year, we were sent to Korea in a troop ship. Most of us were 19, 20 years old, and we were the first troops, American troops, from the States to go into Korea.

The 24th and 25th Divisions having left from Japan going there had been pushed from the 38th Parallel to the Pusan Perimeter. We landed and had substantial casualties but managed to get close to the 38th Parallel. General MacArthur had the Inchon landing and then we moved swiftly north to the Yalu river which separated North Korea from Manchuria, and the entire 8th Army and the 2nd Infantry Division, of which I was a member, were there waiting to go home in September of 1950.

It was on or about this time that the Commander in Chief, Harry Truman, had a dispute with General MacArthur and General MacArthur left and dealt with the President of the United States. During this time, the Peoples' Volunteer Army completely surrounded the entire 8th Army, and on November 30, 1950, a massacre occurred of the 2nd Infantry Division and many of the supporting battalions that were there.

In June, I will be taking some of those veterans back to South Korea, and we are attempting to revisit some of the battle sites in North Korea. It was strange that people found it so easy to forget the tens of thousands of soldiers that responded to the United Nations and responded to President Truman as nations of the world got together to stop Communism. But I do not think that this is unusual to see our young people doing this type of thing.

And so whether it is World War I or II or whether it is the Korean War or the Vietnam War, I really think we ought to pay more attention to those people who take time out from their families, who put their lives on the line and many times are captured and give up their lives and then come back home to find themselves faced with getting food stamps and adequate pay and just plainly a lack of respect for what they have done.

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It has been 50 years but we have a long way to go, and I thank the gentleman for giving me this opportunity to pay tribute to so many friends and comrades that are no longer with us today.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I associate myself with the comments of the gentleman from New York (Mr. RANGEL) and for that reason, I would say to the gentleman from New York (Mr. RANGEL), I, by way of opening, shared also a soldier's story of Bill Green from White County, Indiana, who is part of Task Force Smith and those of us today, while I am the son of a Korean War veteran, having served in the Gulf War, today now being on the Committee on Armed Services, on the committee we use the example that those who lived with Task Force Smith, that never again will we place our men and women into harm's way whereby they are not trained properly or do not have the adequate resources to do the job. So we never want what the gentleman experienced ever have to happen again to our forces.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his remarks.

Mr. Speaker, some people know I served in Vietnam and was a POW there, but I think there are not too many who know that I also flew in Korea 62 combat missions, and we are here because the Korean War is referred to as the forgotten war, but we have not forgotten it.

Frankly, I was lucky enough to fly with Johnny Glenn and Buzz Aldrin in the same outfit, and I remember one day we went out on the revetments and watched Ted Williams land a shot-up airplane. He sacrificed his career to fight for America in that war.

I think oftentimes we forget there are 8,100 MIA still over there, that we are still searching for their remains. We have not given up.

I also have a lot of friends from Australia, South Africa, England, and other countries. That was one of those wars where one made friends from all over the world.

This resolution shows our strong support for all of those who fought and the many who died. Today there are millions of Korean War veterans who still remember the horrors of their experiences but would gladly fight again if this country called. They are individuals of honor and integrity, and they

deserve to be recognized for their sacrifices to this country, including the gentleman from New York (Mr. RANGEL).

I salute them. Our Korean War era Veterans have never forgotten America; and we are here to say today, we will never forget them. God bless America.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I was growing up in my hometown of Lexington, Missouri, I built model airplanes with a young man by the name of Vance Frick, who I learned just a few days ago passed away, a distinguished lawyer in the State of Missouri.

Vance Frick was in the Air Force of the United States, was shot down, held captive for a long period of time in North Korea and fortunately was able to return to his civilian life.

I have another friend that I would like to mention because this resolution really is very personal to me, the gentleman who retired not long ago as a major general in the United States Army Reserve. His name is Robert Shirkey of Kansas City, a well-known trial lawyer there. If one would have seen him in his uniform before he retired from the Army Reserve, they would have seen he wore a combat infantry badge with a star on top. The star indicated that he not only saw combat as an infantryman in one but two wars. He did yeoman's work in the Second World War in the Pacific in the Philippines as a member of the Alamo Scouts and was called upon again as a young officer to fight again in Korea; which he did.

So it is with the Robert Shirkeys of America that that war was prosecuted, that freedom came to pass in South Korea, that the resolve of America became known, and that America was able to say we are the bastion of freedom for this globe.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding this time.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. SKELTON) for yielding time to our side.

Mr. Speaker, I rise today in strong support of the resolution. Certainly as we are hearing from other speakers on both sides of the aisle, I join in that support. However, Mr. Speaker, I would like to just put a different angle on this for all of our Members who are listening and will come over shortly to vote. As the chairman of the Subcommittee on Benefits of our Committee on Veterans' Affairs, we are always talking about forgotten veterans, and we have heard this war be referred to as the forgotten war.

I would like to suggest to all of our Members that when we have to fight budget numbers, when we have to talk about funding things in this institution of ours, that we take the opportunity to make sure that this forgotten war is not forgotten; that all of our veterans are not forgotten. We take the opportunity to fight for every single penny we can for our veterans who have served this country.

So this resolution, Mr. Speaker, is absolutely the right thing to do, to ask our members to continue in that vein, to fight with us for proper funding.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, I am honored to be here today as a Member of the House Committee on Veterans' Affairs, and I am honored to be a sponsor of this resolution. House Joint Resolution 86 calls upon the people of the United States to observe the 50th anniversary of the Korean War with appropriate ceremonies and activities. I am pleased to note that in Kansas we are going to do that, and I encourage all citizens of my State to look for other opportunities to say thank you to the veterans of the Korean War.

On July 25, 2000, the 50th anniversary of the beginning of the Korean War, in Salina, Kansas, a Korean War Veterans Planning Commission is planning a parade and other festivities to acknowledge the service to our country of our Korean War veterans.

On May 29, Memorial Day, I am planning a ceremony in Abilene, Kansas, at the Eisenhower Center to honor the Korean War veterans of the First District. I look forward to seeing them and their families there and we will pay tribute to their service to our country.

Eisenhower Center is an appropriate place for this ceremony as President Eisenhower played a significant role. A year after he became President, Eisenhower obtained the truce. So today I ask that we all join in supporting this resolution and that Kansans and all Americans recognize the important role these veterans played.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, the year 2000 does recognize the 50th anniversary of the Korean War, and this joint resolution recognizes the important anniversary and sacrifices of all Members of the armed services who served in that conflict.

This summer, Communist North Korean forces, fifty years ago, invaded across the 38th Parallel and invaded South Korea. Two days later on June 27, 1950, President Harry Truman called on the American forces to intervene; and over the next 3 years, over 5 million Americans served. 54,000 of them died in the conflict, and when the call to duty came, South Dakotans were there to answer the call.

There are 70,000 South Dakota veterans, roughly one-tenth of the entire population of our State. 13,200 of those veterans are Korean War Veterans, which is about 20 percent.

The Korean War is often referred to as the forgotten war. This joint resolution will help ensure that those who served and fought to preserve democracy and freedom in the Korean Peninsula are never forgotten. This historic event is a good opportunity to pay tribute to our Nation's veterans and to ensure they receive the care and treatment they have earned in return for their service.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 86 sets the record straight. Never should our courageous veterans, whether it is Bill Green of White County, Indiana or my father, Dr. John Buyer, or the millions who served in the Korean War ever, ever, ever doubt that this Nation understands and appreciates their sacrifices and their contribution to freedom that we enjoy, not only in our Nation but around the world. We must never allow a veteran who fought for this Nation or a family who lost a loved one by either death or is missing in action to ever say that their war was a forgotten war.

Mr. Speaker, I commend the gentleman from Illinois (Mr. EWING) for bringing this resolution to the attention of the House and to the country. I urge my colleagues to send a message that the people who fought in Korea will not be forgotten and to vote in favor of adoption of the resolution.

I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for his words in support of this resolution and for his contribution to the House.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Joint Resolution 86, legislation I am an original cosponsor of to recognize the 50th anniversary of the Korean War.

It was on June 25, 1950 that Communist North Korean forces crossed the 38th Parallel and invaded South Korea. Two days later, on June 27, 1950, President Harry S. Truman called on American military forces to intervene and protect South Korea's democratically elected government and the freedom of the South Korea's democratically elected government and the freedom of the South Korean people. Over the next three years, 5,720,000 Americans would respond to the call to service.

After three years of battle, the fighting came to an end on July 27, 1953. The American casualties were high. More than 54,000 paid the ultimate price in the defense of freedom, another 92,000 suffered casualties, and 8,176 soldiers never returned home and are listed as missing in action.

Mr. Speaker, the Korean War is often referred to as the forgotten war. Tell that to the families of the more than 158,000 Americans who died, were wounded, or remain missing in action in Korea. Tell that to the People of

South Korea who were able to repel the onslaught of Communism and remain free. Our nation and the entire world owe a debt of gratitude to the millions of Americans, Allied and South Korean troops that defended a free nation. It is fitting that today our nation pays tribute to veterans of the forgotten war and promises that they will never be forgotten.

This resolution expresses the appreciation and gratitude of this Congress and the American people for those who served in uniform during the Korean War. It honors the memory of those who died, were wounded, or never returned home. And it calls upon the President and communities throughout our nation to observe the anniversary of this conflict with all the appropriate and just-deserved ceremonies and activities.

Mr. Speaker, this victory over the forces of evil served as a stepping stone to the ultimate demise of communism almost 40 years later, when President Reagan uttered those now famous words, ''Mr. Gorbechev, tear down this wall.'' Our nation has taken great pride in honoring its commitment to provide the best in medical care, compensation, and services to those who have fought to preserve freedom throughout the world. At a time when American servicemen have taken up humanitarian causes half-way around the globe, it is essential that Congress continues to send a strong signal that our nation will make good on its promises to all veterans. It is my hope that in this 50th anniversary year of the Korean War, every American school child will learn of the sacrifices and victories of so many courageous Americans. We owe our Korean veterans nothing less.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of House Joint Resolution 86, which recognizes the 50th anniversary of the Korean War. I thank my colleague Congressman TOM EWING for introducing this legislation and for helping to bring it to the House floor today.

The resolution seeks to end the Korean War's unfortunate status as the ''Forgotten War.'' We must never, ever forget the more than 90,000 veterans who were wounded in combat between 1950–1953. We must never, ever forget the 54,000 who died in a just and righteous cause. We must never, ever forget the more than 8,000 men who are still unaccounted for—missing in action. We must also never forget the immense sacrifices of our allies—particularly the South Korean people themselves. They, too, suffered terribly from the North's invasion.

The resolution we have before us today is a painful, but powerful reminder of the immense sacrifices made by the 5.72 million Americans who bravely responded to the call of duty. We are all personally grateful for their service and their many sacrifices. Ensuring that the 50th anniversary Korean War is appropriately recognized is the least we can do to honor these brave Americans.

Beyond recognizing the sacrifices made in blood, sweat and tears, we must also remember how pivotal the Korean War was to halting the spread of Communism worldwide. The sacrifices made by American soldiers on battlefields and mountains of the Korean peninsula helped make the containment of Communism, and its eventual demise, a reality some four decades later. Reflecting on the conflicts of the 20th Century, Communism along with Nazism will certainly go down as one of the great stains on humanity's soul. Communism was responsible for more raw bloodshed, misery, and horror than any other single idea in the history of mankind.

The Korean War has many elements and characteristic that are unique to this struggle for freedom. For instance, the dangers from enemy bullets and bayonets was compounded by the extreme weather conditions of the Korean peninsula. In several battles of the Korean War, not only were American troops forced to fend off enemy fire in difficult terrain, but they had to do it sub-zero temperatures. Veterans lost limbs and fingers to frostbite. Others died outright from exposure. Veterans will tell you that nothing saps morale faster than being freezing cold. Yet for many years thereafter, these veterans received no disability rating from the VA that recognized their exposure to these harsh conditions.

During the 105th Congress I introduced legislation to create a presumptive disability for veterans with cold weather injury, to help those veterans of the Korean War and other conflicts receive the treatment and benefits they need and deserve. In response to the bill, the Department of Veterans' Affairs changed its regulations to make them more friendly to veterans who suffered from cold weather injuries. Those whose sacrifices were forgotten were finally being recognized, even if this recognition was long overdue.

One last point. I think it is particularly appropriate that on the 50th anniversary of the Korean War, that we remember the painful lessons of this conflict. There is a lot of feeling among historians that Secretary of State Dean Acheson's failure in January 1950 to clearly delineate South Korea as being within the U.S. defense perimeter in the Pacific lured the Communist Chinese and North Koreans into believing the U.S. would not respond to an invasion. 50 years later, I fear our nation is dangerously close to making the same mistake on the issue of Taiwan. If our nation fails to make it clear to the same Communist Chinese leadership that the United States will respond with decisive military force to any attempt by the People's Republic of China to invade Taiwan, Korean War veterans who went over at age 25 may be in the uniquely painful position of watching their 25 year-old grandchildren pay the price for appeasement once again.

So, I want to thank Congressman EWING again for introducing this resolution, and especially thank Korean War veterans for their heroic sacrifices.

Mr. MILLER of Florida. Mr. Speaker, I rise today with my colleagues to commemorate those heroic Americans who served in the Korean War—some of whom serve in this House.

Mr. Speaker, like my colleagues, it bothers me that this War is called the ''Forgotten War.'' The brave men and women who sacrificed their lives fighting the iron fist of communism and defending freedom shall not be forgotten.

I will never forget the 5 million, seven hundred thousand service men and women who heeded the call to serve America and protect the World from Communism's attack on South Korea.

Mr. Speaker, the reported 33,665 battle deaths, or the 8,176 soldiers listed as ''Missing in Action'' or ''Prisoners of War'' can never be forgotten. These heroes made the ultimate sacrifice, for which our nation is eternally grateful.

I represent a Congressional district in Florida where many Veterans have chosen to retire. Many of these Veterans served in the Korean War. When I ask them about their time in the service, they tell me, ''Congressman, we just do not want to be forgotten.''

And so, Mr. Speaker, it gives me great pleasure to rise today and say once again, ''Thank You'' to those courageous Americans who fought to protect our freedom. As the Korean War Veterans Memorial here in Washington, DC expressly reads: ''Freedom is not Free.''

As we commemorate the 50th Anniversary of the Korean War, this year, we must not forget to thank those selfless Veterans of the Korean War.

Thank you, Mr. EWING for drafting this legislation.

Mr. BILIRAKIS. Mr. Speaker, this year marks the 50th Anniversary of the Korean War. It is often called ''the forgotten war,'' but for the men and women who served there and for the families of those who did not return, the Korean war will never be forgotten.

Only 5 years had passed since the end of World War II when another international conflict erupted. On June 25, 1950, the communist forces of North Korea crossed the 38th Parallel and invaded South Korea. The American response was almost immediate. Two days later, President Harry Truman called upon America's military to intervene, and the United States led a United Nations force to the Asian peninsula.

Over the next 3 years, over 5 million American men and women answered the call to duty, eventually defeating communism's attack on South Korea. Over 92,000 of these brave Americans would be wounded during the conflict. Approximately 8,100 would become missing in action or prisoners of war. By the time the fighting ended, 54,260 Americans would have paid the ultimate sacrifice—giving their lives in the defense of freedom.

While communism's defeat would come almost 40 years after our victory in the Korean War, the significance of what our soldiers won there cannot be understated. Our Korean War veterans must never be forgotten. As a Korean War era veteran, I salute these brave men and women.

I am proud to be an original cosponsor of H.J. Res. 86 and urge my colleagues to support this important resolution.

Ms. BALDWIN. Mr. Speaker, I rise today in honor of the men and women who served at a time in history when a war weary world longed for the quiet of peace.

The dedication to duty by our service men and women during the Korean war is a testament to the strength of our Nation's ideals and principles of democracy. It is right and fitting that during the 50th Anniversary of that sometimes forgotten war, we in Congress and the Nation, honor the service of Americans who helped defend the rights and freedoms of the people of the Republic of Korea.

We cannot forget and should not forget the countless sacrifices and hardships that these brave men and women endured at the outset of this war. We cannot forget the free nations of the world that banded together to fight the tide of aggression along the 38th parallel. We cannot forget the more than 36,000 American lives lost in the defense of democracy and freedom. We cannot and should not forget the hundreds and thousands of Korean War veterans whom we honor today on this House

floor, who still suffer the scars and pains of this conflict.

At a time in history where we see American service man and women deployed throughout the world, we cannot forget the men and women who went before them, who shouldered the burden of democracy and raised the torch of freedom for those who could not carry it by themselves.

Mr. Speaker, this Congress will not forget, nor will future generations of Americans who owe their liberty to these dedicated men and women who served us during the Korean War. I am proud to support this legislation and urge my colleagues to continue to work on behalf of all our Nation's veterans that we may never forget to whom we owe our freedom.

Mr. FRELINGHUYSEN. Mr. Speaker, I am proud to rise today as a cosponsor of H.J. Res. 86, which recognizes and honors the 50th Anniversary of the Korean War. It is high time that we stand up and recognize the veterans who fought in this ''Forgotten War,'' both in the Korean Theater and on the homefront.

These men and women have no ''Saving Private Ryan'' to stand as a testament to their heroism or to record their contribution to our security and our freedom. They have no spokesman on the national level to bring attention to their attention to their sacrifices, like Senators Dole and MCCAIN have done for World War II and Vietnam. They are, however, no less deserving of our thanks and our gratitude.

As it reads on the side of the Korean War Memorial, ''Freedom is not free.'' And no one knows that better than the men and women called upon to serve after the Communist forces invaded South Korea early on the morning on June 25, 1950.

In the shadow of a great war and a clear-cut victory, at the start of a period of amazing prosperity at home, America's sons and daughters went to serve half a world away. They ''answered a call to defend a country they never knew and a people they never met.'' They did so bravely, under adverse conditions, in a conflict that lasted far longer than most people predicted.

Over 19,000 Americans were killed in action in Korea. Nearly 800 of those who died in the war called New Jersey home, including over 30 from Morris County. Countless more of New Jersey's sons and daughters were among the nearly 1.5 million who served in the Korean Theater during the war, and millions more who served on the homefront.

There is one veteran who returned to New Jersey that I want to take a moment to honor named Joe Klapper. Joe was a tank commander during the war, and took part in the battle on Heartbreak Ridge. Joe was awarded the Purple Heart, Combat Infantry Badge and the Legion of Honor as a result of his service in Korea, and was fortunate to return home from the war to start a family. Joe was a ''veterans veteran,'' who worked tirelessly on behalf of his colleagues from Korea, and those who served during other wars as well. Sadly, Joe passed away last September. Had Joe been with us today, he would have been pleased to know that he and his fellow Korean War Veterans were finally getting some of the recognition they so bravely earned, and so rightly deserve.

But we must not let today be the only day we honor Joe and those who served with him in the war. I commend the many veterans in my home state of New Jersey who are pushing ahead plans to construct a memorial to our Korean War Veterans. In fact, next week, on March 14, veterans from across the state will gather in Atlantic City for the groundbreaking of this memorial. It may seem odd to place a monument to our nation's warriors on the busy, bustling Atlantic City boardwalk, but perhaps this central, well-travelled location will provide my state's forgotten heroes with some well-deserved, if belated, recognition.

I urge all my colleagues today to support H.J. Res. 86 and honor the legacy of the aging warriors who answered our nation's call to serve in Korea. These are the men and women who, as Korean War veteran and former FBI Director William Sessions ably noted, ''suffered greatly and by their heroism in a thousand forgotten battles they added a luster to the codes we hold most dear: ''duty, honor, country, fidelity, bravery, integrity.''

Mr. CAPUANO. Mr. Speaker, today I rise in support of H.J. Res. 86, recognizing the 50th anniversary of the Korean War and honoring the dedication of American soldiers who served in this conflict.

On August 14, 1945 an agreement was signed which divided Korea at the 38th parallel. The northern part of the country was transferred to Soviet control, while the southern portion was placed under control of the United States. Five years later, on June 25, 1950, in the early morning hours, the North Korean People's Army invaded South Korea with seven assault infantry divisions, a tank brigade, and two independent infantry regiments.

Despite a prompt response by the United Nations Security Council calling for an end of aggression from North Korea. The fighting escalated. Five days later on June 30th, 1950, the fate of American involvement in the Korean aggression was sealed. On that day, president Truman ordered U.S. ground forces into Korea and authorized the bombing of North Korea by the U.S. Air Force.

Three years later, 33,629 Americans were dead, 103,248 were wounded, 3,746 were captured and repatriated, and 8,142 were still missing in action. On July 27, 1953, the cease-fire was signed by Lieutenant General Nam II and Lieutenant General William K. Harrison at 10:00 am at Panmunjom. The Korean war had ended, but Americans had paid a heavy price to preserve freedom.

As an American and a patriot, I believe we have an obligation to remember and honor our nation's veterans. They fought to maintain and preserve our nation's pride and beliefs. What kind of men and women are these that we honor for their heroism and selfless sacrifice in Korea? They are Americans from all walks of life; ordinary people like our mothers and fathers, aunts and uncles. Americans who were inspired by the cause to defend our country, to protect and preserve our freedom.

American troops, time and again, have paid the supreme sacrifice for our nation's freedom. Many people refer to the Korean War as the forgotten war. Thirty-three thousand American soldiers perished in this ''Forgotten War''. We must never forget the ultimate sacrifice these brave men and women offered for the sake of freedom and democracy.

Mr. Speaker, as the son of a veteran, I am proud to join my fellow members in acknowledging the anniversary of the Korean War and saluting the hundreds of thousands of servicemen who answered to the call of duty.

Mrs. CLAYTON. Mr. Speaker, I rise today in strong support of House Joint Resolution 86.

In the year 2000 we will observe the 50th anniversary of the Korean War. I think it is appropriate that we pause to look back and reflect on the contributions and the sacrifices of all the members of the Armed Forces who served in the Korean War. Approximately 5 million, 720,000 service members, including my husband served in the Korean War which began on June 25, 1950 and ended on July 27, 1953.

The majority of Americans living today were born after the Korean War ended or are too young to remember anything about the Korea Era. Perhaps that is one reason the Korean War is often referred to as the ''Forgotten War.'' The purpose of this joint resolution on the Floor of the House today is to ensure that those who served, fought and died in Korea are never again forgotten.

In 1953, the Internet did not exist and in fact many homes had not yet acquired the era's latest technology—which was television—in black and white!

However, technological innovations made during the Korean War became part of the development of the U.S. armed services into the fine tuned machine it is today. It was in Korea that the U.S. began to learn that science and technology, not just manpower, was the key to winning conflicts.

Emphasis was given to protecting the combat soldier on the ground, and individual weapons to stop heavy armor were developed.

The helicopter became a tool to rescue downed airmen or to transport wounded soldiers to newly created Mobile Army Surgical Hospital (MASH) units, which moved with the troops. Plasma, the clear, yellowish portion of blood, was used in war for the first time to save lives.

Korea was the first integrated war for the United States. For the first time in U.S. history, black Americans fought alongside white Americans.

Public support for the Korean War, called a ''police action'' by President Truman in order to send troops without a declaration of war, was never equivalent to World War II.

Men and women went to fight the war, received the support of their families, but did not experience the triumphal welcome home of World War II veterans. They came home quietly, got jobs, and America forgot them.

Tainted by the fact that a few American prisoners of war had collaborated with the communists and 21 had refused to return home, the American people questioned the integrity of American troops. This would become America's first ''unpopular'' war.

In the late spring of 1953, after two years of stalemate and the failure of the last Chinese offensive, an armistice was signed. The artillery fell silent, the machine guns and rifles grew quiet. On July 27, 1953, the fighting had ended.

But many Americans have somehow forgotten this terrible conflict. How can it be that a war that cost the lives of so many Americans and wounded twice as many more, and also took the lives of millions of Koreans and Chinese, could be so overlooked by history?

For many Korean War veterans, the war has remained clear in their memories. Their sacrifices are as real today as they were 50 years ago.

I am proud to be one of the 210 Members who have cosponsored this resolution to pay tribute to the service members of the Korean War. We commend their valor, their selfless sacrifice and their love of country.

Mr. Speaker, I urge all our colleagues to support this resolution.

Mr. EVANS. Mr. Speaker, I am proud to join with my colleague from Illinois, Congressman TOM EWING, as on original cosponsor of H.J. Res. 86, a joint resolution which recognizes the 50th Anniversary of the Korean War. We live in peace today, and we owe our freedom as much to those who risked or sacrificed their lives in Korea as we do to the other brave men and women who have defended this Nation in the past century.

The bitter war in Korea was one of the defining conflicts of the 20th Century. Communist North Korea initiated the conflict on June 25, 1950 when it invaded South Korea with approximately 135,000 troops. President Harry S. Truman and the United Nations determined that this was an act of naked aggression that could not stand and committed ground, air and naval forces. Some 5,720,000 Americans served in the Armed Forces during the Korean War.

When it was over, the world was drawn up into two camps that nobody could envision ever changing. Korea was the initial confrontation of the nuclear age, a time President John F. Kennedy once described as ''the hour of maximum peril.''

There was a time when people called Korea ''the Forgotten War.'' Korean War veterans never felt they were accorded the respect and thanks of a grateful National in fair measure. Some 4.1 million Korean War veterans are alive today. They returned home with the same kinds of injuries and needs as veterans of any major war. And make no mistake about it—Korea was a major war.

The decisive struggles of the past century were the wars against totalitarianism. The World War II generation faced the Axis powers with distinction and valor. Those who served in Korea—and those who bolstered our defenses around the globe during the Korean War—faced the forces of Stalinism with honor and great courage. That same honor and courage were displayed in a long series of wars and struggles that led to the fall of the Soviet empire.

For those of us in the Vietnam generation, the Korean War was never ''the Forgotten War.'' It was part of our youth. I join my colleagues in honoring these gallant men and women.

I am honored to cosponsor this bipartisan joint resolution, which recognizes the 50th Anniversary of the Korean War and honors the sacrifice of those who served. Once again, I take this opportunity to say ''Thank you.''

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended.

The question was taken.

Mr. EWING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Senate Concurrent Resolution 91, by the yeas and nays; and

House Joint Resolution 86, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONGRATULATING LITHUANIA ON THE TENTH ANNIVERSARY OF ITS INDEPENDENCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 91.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 91, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 50, as follows:

[Roll No. 32]

YEAS—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—50

Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cooksey
Cox
Cunningham
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Granger
Hinojosa

Jones (OH)
Klink
Kucinich
Kuykendall
Lantos
Larson
LaTourette
Martinez
McKeon
Millender-McDonald
Miller, George
Napolitano
Norwood
Pascrell
Payne
Radanovich
Rangel
Rogan
Rohrabacher
Roybal-Allard
Rush
Sanders
Saxton
Scarborough
Schaffer
Sherwood
Souder
Spence
Velazquez
Vento
Waters
Woolsey

1606

Mr. LATHAM changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUNNINGHAM. Mr. Speaker, on rollcall No. 32, I was on a delayed flight out of Chicago and missed the vote. Had I been present, I would have voted ''aye.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES DURING SUCH WAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 86, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 51, as follows:

[Roll No. 33]

YEAS—383

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
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Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
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Everett
Ewing
Farr
Fattah
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
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Gibbons
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Gordon
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Graham
Green (TX)
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Hall (OH)
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Hansen
Hastings (FL)
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Hayes
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Hill (IN)
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Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
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Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
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Maloney (CT)
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Manzullo
Markey
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McCarthy (MO)
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McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
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Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
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Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
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Sabo
Salmon
Sanchez
Sanders
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Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
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Sherman
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Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
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Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
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Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—51

Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cooksey
Cox
Cunningham
DeFazio
Dooley
Dunn
Eshoo
Filner
Fletcher
Ford
Granger
Hinojosa
Jones (OH)
Klink
Kucinich
Kuykendall
Lantos
Larson
LaTourette
Martinez
McKeon
Millender-McDonald
Miller, George
Napolitano
Norwood
Pascrell
Payne
Radanovich
Rangel
Reyes
Rogan
Rohrabacher
Roybal-Allard
Rush
Saxton
Scarborough
Schaffer
Souder
Spence
Spratt
Velazquez
Vento
Waters
Watts (OK)
Woolsey

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So (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. REYES. Mr. Speaker, on rollcall No. 33, H.J. Res. 86, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. CUNNINGHAM. Mr. Speaker, on rollcall No. 33, I was on a delayed flight out of Chicago and missed the vote. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Ms. VELAZQUEZ. Mr. Speaker, I was unavoidably detained earlier today. If I had been present for rollcall No. 32, I would have voted ''yes.'' If I had been present for rollcall No. 33, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained in my district on official business and missed several votes. On rollcall vote No. 29, the Government Waste Corrections Act, had I been here, I would have voted ''aye.''

On rollcall vote No. 30, to redesignate the post office facility in Greenville, North Carolina, had I been here, I would have voted ''aye.''

On rollcall vote No. 31, to redesignate the post office facility in Charleston, South Carolina, had I been here, I would have voted ''aye.''

On rollcall vote No. 32, recognizing Lithuanian independence, had I been here, I would have voted ''aye.''

On rollcall vote No. 33, recognizing the 50th Anniversary of the Korean War, had I been here, I would have voted ''aye.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 396.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TIME TO MAKE INDIA A PERMANENT MEMBER OF U.N. SECURITY COUNCIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in a little more than a week, President Clinton will embark on an historic trip to South Asia. It will mark the first time a U.S. President has traveled to this vitally important part of the world since President Jimmy Carter went to India in 1978.

Mr. Speaker, yesterday, President Clinton announced that Pakistan would be part of his South Asian itinerary. Although I had previously opposed including Pakistan on the itinerary, in light of yesterday's announcement, I hope the Presidential visit will provide an opportunity for candid, productive discussion between our President and the generals in Pakistan now with regard to the need to dramatically change Pakistan's course in a number of key areas.

It is important that President Clinton express to Pakistani General Musharraf that the United States is very concerned about Pakistan's role in fomenting instability in Kashmir, about the links between Pakistan and terrorist organizations, and about Pakistan's role in the proliferation of nuclear weapons and missile technology.

I think that General Musharraf and the other leaders of the Pakistani ruling junta must hear the message that the United States does not consider last year's military coup to be acceptable, and that the overthrow of a civilian government cannot be allowed to stand as a permanent condition in Pakistan.

Mr. Speaker, I include for the RECORD an editorial that appeared in today's New York Times called ''Troubled Trip to Pakistan'' as follows:

[From the New York Times, Mar. 8, 2000]

TROUBLED TRIP TO PAKISTAN

President Clinton's decision to include a stop in Pakistan in his visit to South Asia later this month should not be seen as an American endorsement of Gen. Pervez Musharraf, that country's military ruler. Since seizing power last October, General Musharraf has ignored Washington's concerns in three vital areas. He refuses to cut links with international terrorist groups, resists treaty commitments to curb Pakistan's nuclear weapons program and declines to take steps toward restoring democratic rule.

For these reasons, Mr. Clinton would have done better to skip Pakistan, limiting his visit to India and Bangladesh. But since he has chosen to add a stop in Islamabad, he should use his time there to encourage constructive changes in Pakistani behavior.

Administration officials concluded that a snub of Pakistan might drive the country toward even more belligerent conduct. With only 10 months remaining in Mr. Clinton's term, this is probably his last chance to visit Pakistan as president. He enjoyed some success interceding with General Musharraf's deposed predecessor, Nawaz Sharif, getting him to pull back from a dangerous military confrontation with Indian in Kashmir last summer. That border remains dangerous, with Pakistani-backed militants regularly attacking Indian positions.

Since both countries became independent a half-century ago, Pakistan has been challenging India's control over this restive Muslim-majority state. Mr. Clinton now seems eager to offer American help in resolving the longstanding dispute. But India remains opposed to any form of international mediation on Kashmir, and without New Delhi's cooperation any American effort would be doomed. For now, America should limit its role to trying to prevent further armed clashes.

Mr. Clinton should also press General Musharraf to sever ties with Harakat ul-Mujahedeen, a Kashmiri terrorist group backed by the Pakistani Army. He ought to insist that Pakistan use its close links with the Taliban government in Afghanistan to press for the expulsion of Osama bin Laden, the international terrorist implicated in the deadly bombings of two American embassies in Africa. Another goal should be to persuade Pakistan, as well as India, to sign the nuclear test ban treaty.

South Asia is home to more than a sixth of the world's population and is of growing economic importance. For too long it has been neglected by American presidents. This is not the ideal moment for Mr. Clinton to visit Pakistan. He should keep his visit as brief as possible and not flinch from telling General Musharraf what he must do to win American and world respect.

Mr. Speaker, this editorial basically expresses my sentiments in regard to the fact that Pakistan should not have been included on the itinerary, but now that it is, what positive steps need to be taken by Pakistan and what the President could hopefully accomplish in that regard.

I want to say, Mr. Speaker, that despite my initial reservations, I hope that the President's visit to Pakistan will offer an opportunity for some straight talk on these important issues.

On the issue of the Pakistani coup, Mr. Speaker, I believe that this Congress must make a firm statement of our opposition and displeasure with the seizure of power by means of a coup d'etat and that civilian, democratically-elected government be restored.

Last October, right after the coup, legislation was introduced in this House by the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the House Committee on International Relations. Unfortunately, that resolution has not yet been acted upon by this House.

Today I am sending a letter to the distinguished Speaker of the House, Mr. HASTERT, urging that this important resolution be scheduled for a vote as soon as possible. I urge my colleagues in joining me on this initiative.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, pursuant to clause 7c of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference of the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference should have its first substantive meeting to offer amendments and motions within the next 2 weeks.

While I understand that House rules do not allow Members to co-author motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to join me in speaking on its behalf tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 5 minutes.

(Mrs. CHENOWETH-HAGE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MILITARY FAMILY FOOD STAMP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, recently the Center for Strategic and International Studies issued a report last month on the American Military Culture in the 21st Century.

In its research, the Center surveyed 12,500 military personnel and found that within the armed services, morale is declining.

The report summarizes, and I quote, ''Every member of the CSIS team who

visited our men and women in uniform was impressed by their skill, dedication, and patriotism. When CSIS asked military personnel about their life in their services and their units, however, they often found disappointment and frustration. In spite of the high level of pride and commitment, our dedicated people in uniform did not typically have high morale and revealed far less satisfaction from their service than one would expect. Overall, the armed forces are overcommitted, underpaid, and undersourced in the units that form their cutting edge. Expectations for a satisfying military career are not being met.''

Mr. Speaker, that is the reason I am on the floor again. I bring my family to the floor because we have 60 percent of men and women in uniform who are married. In addition, we have approximately 10,000 men and women in uniform on food stamps.

Mr. Speaker, I think this is deplorable. The reason I say that is because no one that is willing to give their life for this country should be dependent on food stamps. My colleagues can see that this Marine, who is getting ready to deploy to Bosnia, has his daughter Magan standing on his feet. She is looking at the camera. In his arms, he has a 4-month-old baby named Britney.

Mr. Speaker, this Marine represents everyone in uniform that is willing to give for this country. Again, I say it is unacceptable and deplorable that men and women in uniform are dependent on food stamps.

I introduced, this past year, H.R. 1055. It is signed by about 90 Members of Congress, both Democrat and Republican, that would give a $500 tax credit to men and women in uniform who are dependent on food stamps. My purpose in saying that is that I do not know that that is the answer or not, but it is a vehicle to find an answer to help those on food stamps in the military.

I look at this photograph, and I look in the eyes of the little girl. She is looking, and in her eyes you can tell she does not know if her daddy will be coming back or not. Hopefully, we pray that all men and women in uniform will be coming back when they are deployed. But there is no guarantee.

So, again, I say to the Republican leadership, I say to the Democratic leadership, please, before this session ends in September, October this year, let us pass legislation to help the men and women in uniform that are on food stamps, because, again, this country is the safe Nation that it is because we have dedicated men and women in uniform that are willing to die for America. Let us not, as a Congress, let us not as a government, allow anyone serving this Nation to be on food stamps.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

(Mr. HERGER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am going to do something a little bit different this afternoon and speak to a number of topics during the time frame that I have for this special order.

First of all, I think it is appropriate to again do something that many of us wish we did not have to do, and that is to offer sympathy for those who have died at the hands of reckless gun violence. Just about an hour or so ago in Memphis, Tennessee, five individuals were shot, we understand that two fatally, by a seemingly deranged individual. But the facts are not in, and I do not want to speculate.

The police personnel who came upon the house, found a deceased woman in the house. The house was set on fire. Other police personnel came and fire fighters. I believe the news reports indicate that one fire fighter is down along with a police officer. As I said, additional facts are still coming in.

Now, as I indicated last week, I am going to be a regular fixture on the House floor discussing gun violence. I believe that, if we would listen to the American people and listen to good common sense and depoliticalize this issue, we might be able to come together in a conference committee and get this matter resolved.

This is not an issue that should be dominated by the National Rifle Association. It should not be dominated by fear. It should not be dominated by misinterpretation of the Second Amendment, which was actually written in the course of history where many Americans were fearful of those from other countries, in particular a recently formed nation, that would take up arms and try to seize this nation back, a foundling nation of some 13 colonies. It was to establish a well-organized militia.

There is no intent on behalf of those who believe in gun regulations and gun safety to take away guns from law-abiding citizens. But we have to close the gun show loopholes and take the guns out of the hands of criminals. We must have trigger locks. We must, in fact, hold adults responsible for children who accidently or otherwise shoot others. We must, in fact, eliminate the fact that children can go to gun shows, which in my community are about every week, without an adult.

We must, frankly, be serious about the fact that America is looked upon as a Nation under the siege of gun violence, with more guns in this Nation than human beings. Frankly, people are living in fear.

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Now, many would say, Let me arm myself and I will protect myself from those who have the guns. It does not work that way, for we are arming ourselves and endangering other law enforcement officers, and we are creating a Nation at war.

It is time now for Republicans to lay down their political hats. And if one would think Democrats have theirs on, all of them need to be on the conference committee, of which I am a member, and discuss this in a manner that will bring realistic gun regulation to America.

I would hope that as we have marched this past week in commemoration of the march from Selma to Montgomery, which I had the honor in participating in, with faith in politics in Selma, in Birmingham, in Montgomery, that we will see that America can draw upon its spirit. It can draw upon its spirit to create opportunities in civil rights; then it can draw upon its deeply embedded spirit of the fact that we are all human beings and we deserve that kind of respect to pass gun safety legislation.

In addition, I had the honor, I guess, or the challenge of joining some 25,000-some individuals in the capital of Florida, in Tallahassee, to stand up for equal rights for all and oppose the One Florida concept that would eliminate affirmative action. For many, I believe, this is a confused position. Affirmative action is not quotas. They are illegal. Affirmative action is simply outreach to minorities and women, creating an equal playing field.

It seems disappointing that we in America, in the year 2000, have individuals who wish to turn back the clock; who would smile when we talk about civil rights; who would whisper when we talk about affirmative action; and who would snicker when we talk about gun safety. Well, my friends I believe that if we are going to be the world power, the trading Nation of the world, if we are going to promote a strong America, a one America, including everyone at the seat of empowerment, then the snickering and the snide remarks have to stop. We have to realize that 6-year-olds have guns because they come from dysfunctional families but, more importantly, because criminals get guns and others do not.

So I hope that Americans who are fearful of us coming into their homes and taking their guns, if they are law-abiding citizens, they will realize and encourage this conference committee to meet and do plain and simple and real gun safety legislation. Otherwise, we will see us day after day bemoaning the fact of those who have lost their lives to gun violence. How much and how long do we have to see this occur as we near the commemoration and the sadness of April 20, a year after the

tragedy of Columbine High School? We have still not acted and Americans are asking us to act.

I believe the commemoration of the Selma to Montgomery march, the March 7, 1965, Bloody Tuesday, or the Bloody Sunday it was called at that time, where we turned people back because they wanted the right to vote, out of that act the Congress passed the Voting Rights Act of 1965. Does America have to wait for more violence and more bloodshed to pass real gun safety laws? I would hope not.

Frankly, I hope America will come together with people of good will, put the snickering aside, the snide remarks aside, and get the good people of America to join us and encourage us to pass real gun safety legislation.

MINIMUM WAGE AND ECONOMIC GROWTH

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I want to first mention to the gentlewoman from Texas who just spoke, it was in fact a senior member of the Democratic caucus that may have derailed the efforts on gun safety that she claims today on the floor.

I would also like to strongly suggest that we keep talking about the NRA as if they are somehow responsible for the deaths around this country. Last I checked, none of the crimes committed were perpetrated by a member of the NRA. Now, we can have different positions on this issue, but how anyone can think for a minute that that crackhead, where that gun was found and that young innocent life was snuffed out by a gun, would have put a trigger lock on their gun, is beyond me.

Mr. Speaker, that is not what I am here to speak to, however. I do not want to talk about this issue. We do need to debate it in fairness. We will have an opportunity to have this debate, but I want to strongly urge Members once again not to point fingers or accuse groups, whether it is the NRA or Hollywood, for the decline of values in America. Let us talk constructively on trying to make something that will work, that people will obey and abide by. Let us construct a law that will have some teeth for those criminals who are violating the law.

I applaud the President on his efforts to increase funding for ATF, to increase the outreach to find out who is selling guns illegally. There are a lot of things we can do. But let us not sit here and point fingers and say it is the Republicans or it is the Democrats, it is that or that. It is too serious of an issue.

Let me also rise today to talk about an issue that is coming to the floor tomorrow, and that is on minimum wage and the economic growth act that we will be discussing tomorrow.

The President said clearly today that it should be a clean bill and it should not have amendments. But I would urge the President once again to at least tone down the rhetoric and discuss this in a very fair manner.

I can assure all of America that members of the Republican Party have in fact been meeting in good faith to try to structure a bill that will in fact increase the minimum wage. I commend people like the gentleman from New York (Mr. QUINN), the gentleman from New York (Mr. LAZIO), the gentleman from Illinois (Mr. SHIMKUS), and others who have been working constructively to find a way to increase incomes for those at minimum wage.

I was involved in a restaurant. I owned a small business. I understand full well the impact of increasing expenses, such as payroll, through minimum wage increases. But at the same time I recognize that with rising gas prices, insurance costs, health care, it is probably timely that we look to seek to raise the level of people who are in fact working at minimum wage.

Let me also suggest to the President that we can in fact come to some kind of agreement here today or tomorrow and discuss this with some clarity. Raising the minimum wage will in fact cost small businesses money. What is the solution? Offset the cost with some benefits that we could structure, that are targeted, that are reasonable, that will be effective to not only assisting the low-income worker on minimum wage but helping the business owner meet the obligation of continuing to provide things for his community, his family.

We could accelerate the increase in the self-employment health insurance deduction to 100 percent. That would help insure more people and provide a good write-off for that business owner. We could increase section 179 expensing. We could raise the business meal deduction. As a restaurant owner, raising meal deductions would in fact incentivize people to come to eat in a restaurant, would increase income, and would allow the employer to increase minimum wage through that effort.

Real estate tax relief is in the bill tomorrow that we can talk about. Tax credits encouraging the move from welfare to work. Getting people off of welfare into the workplace. This is something that would extend work opportunity tax credits. So there are some very, very good things in this bill. Tax relief for America's farmers and ranchers. Death tax relief.

The bill is constructed in such a way that I think, if we can talk logically and fairly, we can find an increase in minimum wage over 3 years, we can provide some relief and incentives for small businesses, and we can go away making a lot of people happy.

Regrettably, though, I hear the word bipartisan used around here a lot. If they would only work in a bipartisan manner, we would solve this issue. But that only assumes that one side agrees 100 percent with the other side's argument. Nowhere can we disagree without being accused of being obstructionists, stalling or doing those types of things. I would suggest to my colleagues that we could in fact work very clearly and quickly on this very, very important issue.

We want to help Americans, but I will also say that 1.2 percent of the American work force is at minimum wage. Those that are on minimum wage are usually just starting their job, or teenagers seeking their first jobs. Yes, I agree, and I said it before, I will vote to increase over 3 years a dollar per hour because I think it is important and it is warranted. But make no mistake about it, those people who are successfully fulfilling their jobs in the workplace are exceeding minimum wage because employers need employees and they will pay in order to retain good qualified workers.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

LAWSUIT ALLEGES VIOLATION OF EQUAL PAY ACT BY ARCHITECT OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to report to my colleagues something that I am certain is as much of a piece of embarrassment to them as it is to me, and that is that on February 29 a Federal Court declared a class in a lawsuit against the Architect of the Capitol, our agent, that is to say the Congress of the United States, alleging that there has been a violation of the equal pay act; that we have been paying women less for doing the same work as men.

The women I am talking about are the women who clean the offices of Members, who keep this Capitol clean, and who, in fact, are responsible for the maintenance and cleanliness of the place where we work.

This was the first class action under the Congressional Accountability Act, the new act we passed, in order to hold Members and Congress itself accountable in the same way that we hold others. May I say that it should not have been necessary for this case to go this far. I am a former chair of the Equal Employment Opportunity Commission, and I have to tell my colleagues that when a case that looks like this is filed before the commission today, and for years now, they simply get settled out before they get this far.

This case not only did not get settled out when it was in our own administrative process, in the Office of Contract

Compliance, but it has now had to be filed in Federal Court against our own Architect of the Capitol. Now they are about to embark on costly interrogatories, which of course comes out of our budget, or the funds that we allocate to the Architect of the Capitol.

This body needs greater oversight of the Architect of the Capitol and of the new Office of Compliance when a suit can get this far. Apparently these people were willing to settle. And when a party is willing to settle, it is usually on the basis that they may not get everything that they want, but what they certainly are entitled to is to have their work reclassified so that they are paid for doing the work they are performing. And, of course, in any such case there would be back pay.

What we are talking about here, to make myself clear, is that laborers who are men make more money for doing the same work as custodians, formerly called charwomen, who are women in the House.

When the President of the United States in his State of the Union message for the last several years has gotten to the part where he talked about equal pay for equal work, all Members rise as if to salute in majesty the women of America. And yet right here, in the House where we work, the first class action certified has been a simple equal-pay case of the kind rarely found in civilian society today. If this case goes much further, it will become an open embarrassment to this body.

As my colleagues are aware, there is no disagreement among us when it comes to the Equal Pay Act, passed in 1963. We all agree that if women are doing the same work as men, they should not be paid less, and in this case perhaps as much as a dollar or more less, by classifying them by some other name. Whether we call her a laborer or a custodian, we must pay her under the act for the work she is doing.

I regret that the case has gone this far. I feel it is my obligation, as a former chair of the EEOC, to bring this matter to the attention of Members. Because I am certain that Members on neither side of the aisle understand or know or have reason to know this case has gone this far, and that when we go home into our districts women are likely to ask us how in the world have we allowed ourselves to be sued by our own employees for not paying them the same wage as men for doing the same work.

It is time that we rectified this situation. If not, I can assure my colleagues, I have spoken with the plaintiffs, I have spoken with their lawyers. There is no turning back now. They are not afraid that it is the Congress of the United States that is involved. After all, we said in passing the Congressional Accountability Act that we wanted to be treated the way civilian employers are treated. Please treat the women who clean our offices the way we would want always to have people treated under our jurisdiction.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

(Mr. COLLINS addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THOSE WHO SERVED IN THE KOREAN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at 22 years old, a young man, a loving husband, with yet an unborn child, was called to serve the United States Government in the Army. He served 21 months active duty, 11 months in Korea. During that time in Korea, his first son was born.

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He served and returned home. Upon his return, he continued being a model citizen, raising seven children. The young man in this story is my father. He is emblematic of all our Nation's heroes who served and then went home.

I voted ''yes'' commemorating the 50th anniversary of the Korean War to thank my dad and all those dads and granddads in our country who laid down their lives for the cause of freedom.

Well done. We will not forget you, and we will not forget your sacrifice.

HMO REFORM

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Mr. Speaker, I thank our Democratic leader for allowing us to take the first hour tonight to talk about the Patients' Bill of Rights.

I know that we have been talking about this for many years now it seems like, not only the last Congress but also last year and this year. We actually have a conference committee that is meeting now and had their first meeting. The concern has been expressed. It took that conference committee a good while to meet since it was appointed last year, and the concern was that the conference committee was not reflective of the final vote on the House floor.

But be that as it may, that is the way life is. And so now a number of us are trying to make sure that we continue the effort to have real managed care reform in this Congress, not next year, because the issues are so important.

American people support the need for real HMO reform. In fact, last year, with the bipartisan support of the Norwood-Dingell Patients' Bill of Rights bill, I think most Americans felt like we were going to see some Federal consumer protections. And yet, what we have seen is a bill passed in the Senate that was much weaker even than current law but that the American people supported.

The Kaiser Family Foundation shows that 58 percent of Americans are very worried and somewhat worried that if they become sick their health care plan will be more concerned about saving money than providing the best treatment.

According to the Kaiser Family Foundation, a full 80 percent of Americans support comprehensive consumer protections. That is up from 71 percent last year. So the support is building; it is not decreasing.

The Dingell-Norwood bill is so strongly supported by Americans, by moderates in both political parties, because it holds five principles that are so important. A person that buys insurance should get what they pay for, no excuses, no bureaucratic hassles. A lot of people think bureaucracy is just a function of the Federal Government. That is not the case. We can have insurance company bureaucracy that just cause hassles for people.

What we need is an appeals process, independent external appeals, that if an insurance company or HMO company decides that you should not have a certain procedure, then you should be able to go to someone, an outside appeals process, that will work and be swift. Because if it is not swift, then they will just delay the coverage; and health care delayed is health care denied, Mr. Speaker.

In an experience in Texas, and we have had an outside appeals process since 1997, so we have had over 2 years of experience in Texas with an independent appeals process, and frankly a little over half the appeals are being found for the patient.

My constituents in Texas say, well, we would rather have better than a chance of a flip of a coin when somebody is making a decision on our health care. So we need to have an independent external reviews process that is timely.

And again, the Texas experience shows that it is not that costly. In fact, it has actually cut down on lawsuits; and I will talk about that later. But it is being found in favor of the patient over half the time. And that is what is important, the people are getting their health care that they deserve quickly.

The second issue is that we need to eliminate gag clauses from insurance policies, that physicians can communicate openly and freely with their patients. A lot of companies are already doing that. And that is great. I want to

congratulate them. But we also know that that standard does not only need to go from A-B-C company to X-Y-Z company, it needs to be a standard that everybody ought to feel comfortable with no matter who their insurance carrier is. They ought to be able to go to their physician and be able to have that physician tell them the best possible treatment.

Now, whether their company covers it or not, that is not the case. It is the physician that ought to be able to talk to their patient.

Third, a person who buys insurance ought to be able to have access to specialists. Women and children who are chronically ill should not need to get a referral every time they go see a physician. If you are a cancer patient or if you are a heart patient, or whatever, you should be able to go to your cardiologist or your oncologist without having to go back to your gatekeeper every time. Because, again, that is bureaucracy thrown up by the private sector, not the public sector, to ultimately limit people's ability to go to the doctor.

The access to specialists is so important. I have a situation in my own district. I have a young lady who is in Humble, Texas, the northeast part of my district, and she was getting treatment at a local hospital complex that was close to her; and, all of a sudden, that doctor in that complex lost their contract; and so she was sent across town to Pasadena, Texas, which is also in our district. And that is great; I like them to go in our district. But, Mr. Speaker, for a person to go from one community to the other community because the HMO provider changed the contract is just wrong. Because, again, they were making her travel a great distance to get that specialist care that she needed.

The fourth issue that needs to be included is that, when someone buys insurance, they need to know that they can get emergency treatment, they can go straight to the hospital.

We all know the reason HMOs are successful. They go to providers and say, we guarantee you a thousand or 5,000 or 10,000 patients; and so they will go to the doctors, the hospitals, and emergency rooms and say, we will put you on our preferred list and that way you will get patients.

The problem is that when someone has an emergency, they need to be able to go to the closest emergency room possible. And again, I use the example and have used on the floor here of the House many times that, if I am having chest pains in the evening, how do I know that it is not a heart attack and it may just be the pizza I had. I need to go to the closest hospital or the closest health care provider. And then once the decision is made, then you can go on to your hospital that has a contract with your HMO provider. But you need to be able not to have to pass by emergency rooms to go to an emergency room that may have a contract. So that is important.

Also, oftentimes you cannot always get preauthorization for emergency room treatment. The last thing people need is to have the toll-free number and to be put on hold while they are having their chest pains or whatever illness or emergency they may be having.

Fifth, a person who buys insurance should be assured that an insurance company is accountable if that insurance company is making decisions in the place of a health care provider or doctor. And we need to make sure that the decision maker is the one responsible and that the decision maker be held accountable if that patient is harmed by that decision.

I would like to tell a story. I spoke a couple of years ago to the Harris County Medical Society, Mr. Speaker; and after it was over, during the speech, I talked about my daughter who had just started medical school. She had been in medical school for 2 weeks. And I laughed and I said, my daughter is in medical school. She has been there for 2 weeks, but she is not ready to be in competition to do brain surgery.

After I finished talking about Social Security and the budget and everything else, the first question was a doctor said, you know, your daughter, after 2 weeks in medical school has more training than the people who are telling me how to treat my patients.

That is wrong, and that is what we need to change. And that is why real HMO reform is important. If doctors are being second guessed by a decision-maker who may not have the training that they need, that decision-maker needs to be accountable.

Hopefully, they do have some training and they are. I know the ideal for HMOs and managed care is it can work. But what we have seen in our country is that the managed care issue and the companies have gone from providing whole-person coverage to actually denying coverage in a lot of cases.

That is why one of the most important parts of the bill that passed this House with an overwhelmingly bipartisan vote was the decision-makers need to be accountable. If doctors are accountable, then decision-makers need to be if they are telling those doctors how to practice medicine.

Now, what we will hear from the insurance company, and we have heard it when this passed that bill last year, is that we are going to have the cost increases, that we will see the cost of insurance going up. Well, Mr. Speaker, we had increases in HMO costs this last year and that bill had not even become law yet. So I think we are seeing increases where that happens.

Again, going back to my own experience in the State of Texas. The State of Texas passed what I consider and I think a lot of folks around the country consider the best managed care reform in the country in 1997; and there had been no overwhelming increases other than what happened based on HMOs increasing everywhere.

Dallas, Ft. Worth, Houston, Harris County, there have been no increases based on Texas law as compared to other parts of the country that do not have it. Typically, they have increased the same. So we have not seen a huge number of lawsuits or cost increases.

The other thing they say, well, you are opening up the court system to lawsuit. Again, after 2 years' experience in Texas, we have not seen but four or five lawsuits filed. In fact, three of them are filed by one attorney in Ft. Worth, Texas.

What we have seen, though, is that if you have strong accountability and strong independent reviews, the independent reviews actually will take the place of having to go to the courthouse.

In fact, people do not want to go to the courthouse. They typically want the health care. And if you have an external appeals process that is swift and fast, that will save people from having to go hire an attorney and go to the courthouse.

Again, in the State of Texas, because over half the cases of the appeals are being found for the patient and the insurance companies are saying, okay, we will pay for that, there is no reason to go to the courthouse. Frankly, if the insurance company is found to be okay, their decision had some medical benefit, then that gives that patient a little saying, well, sure you can go hire your attorney, but now we know when everything is on the table. So we have not had that overwhelming cost increase.

One other thing I want to mention is the concern about employers being sued. In fact, in our debate last year and even as recently as last week, I had an employer express concern that, I do not want to be sued. In the Dingell-Norwood bill, or the Norwood-Dingell, depending on which side you are on, I guess, there is specific language in there that prohibits an employer being sued unless this employer is making medical decisions.

Again, I use the example of my own experience of purchasing insurance before I was elected to Congress for a small company. And we contracted with three different insurance companies, or contacted them to get prices, and we were not in the position of making those medical decisions or saying to deny coverage.

Now, we could buy a Chevrolet plan or we could buy a Cadillac plan. But employers should not be held responsible. In the bill that passed this House, employers are not responsible, although we are hearing that thrown up by a lot of these associations here in Washington, and sometimes I think they mostly want to raise funds and get membership instead of actually address the problem of people having real health insurance that their employers buy. And, as an employer, we paid for that insurance. And I wanted to make sure that my employees received the insurance that we paid for, and oftentimes I felt like I was the arbitrator

between the insurance company and my own employees because oftentimes they did not want to pay.

We have some great Texas experience over the last 2 years. I know other States have passed legislation like what Texas has passed that set the groundwork. It is ideal. We have used the States as a laboratory. We see it has worked in Texas in a large, urban State with both rural and urban area, both poor and wealthy population. It is something we can do on a national basis to make sure that every insurance policy, not just those that are licensed by the State Board of Insurance in the State of Texas or the Insurance Commission, but all insurance policies are covered.

The reason we have national legislation is that over two-thirds of the insurance policies in my own district in Houston are not covered by State law. They are covered under ERISA. They are covered under Federal law. And that is why we need to pass Federal law to complement what the States can do.

I see that my colleague, the gentleman from Texas (Mr. RODRIGUEZ), is here and my colleague, the gentleman from Arkansas (Mr. BERRY), is here. It is great to have two Members from our part of the country who do not have accents speaking.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Texas (Mr. GREEN), for yielding; and I appreciate his leadership in this matter and also the leadership of the State of Texas. I believe they were the first State to actually deal with this on the State level, and it is a good thing.

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It is amazing to me, Mr. Speaker, that here we are, it is 5 o'clock in the afternoon, and we are doing special orders. That is not what the American people sent us here to do. They sent us here to deal with things like the Patients' Bill of Rights, prescription drug coverage for our seniors, many other issues that we need to be taking care of. Yet here we are basically shut down at 5 o'clock in the evening.

Mr. Speaker, 80 percent of the American people have private health insurance plans. They are enrolled in managed care plans. In many cases, they are required to be enrolled in managed care plans because their employers have contracted with these companies to achieve cost savings. We need managed care. We know that we have got to control the cost of health care. But it can be done right. We must leave the health care decisions to our professionals, the people that know what they are doing when they make a decision. It should not be left to someone with no training and their only objective is to save the insurance company money.

Unfortunately, because we are enrolled in managed care plans, patients are forced to battle with their HMOs when their only concern should be to recover from an illness. There have been many stories from people who have lost loved ones or had loved ones seriously damaged because someone behind a desk, not a doctor, made a bad decision. The Norwood-Dingell bill allows managed care, and it allows it to do what it is set up to do; and at the same time it protects businesses from unnecessary lawsuits and does the job that we are going to have to do to continue to have managed care in this country.

Last October, the House passed a sound Patients' Bill of Rights, the Norwood-Dingell bill that gave the protection and rights to medical patients. While we delay passage of a strong bill, millions of American families needlessly suffer from the consequences of allowing HMO bureaucrats to make medical decisions. The American people deserve a Patients' Bill of Rights.

This is not a Republican or a Democratic issue. When you have a heart attack and you need to go to an emergency room, they do not ask you which party you vote in, which party you support. We need a Patients' Bill of Rights that ensures patients receive the treatment that they have been promised and paid for, that prevents HMOs and the other health plans from interfering with doctors' decisions regarding the treatment of their patients, ensures that patients could go to any emergency room during a medical emergency without calling their health plan for permission first, ensures that health plans provide their customers with access to specialists when needed because the complexity and seriousness of that patient's illness, allows HMOs to be sued or held accountable if a patient is denied care in States that choose to allow such suits.

The American people are asking us to pass this legislation. Both Democrats and Republicans want this legislation to become law. Let us give the American people what they want. Let us do what we were sent here to do. We all need to take a stand for the rights of managed care patients and make sure they receive the high quality of health care they deserve. We need to pass a Patients' Bill of Rights that is meaningful and that provides real patient protections.

I know with Democrats and Republicans working together, we can put together a strong bill in the conference committee that will give us the protections that will protect business, that will provide for an efficient system to provide health care for our people. It has been 4 months since the House passed this bill. It is time for the House to do something about this. It is time for the Senate to do something about this. The American people should not have to wait any longer. We need to get to work on finishing the job that the American people sent us to do.

Mr. GREEN of Texas. Mr. Speaker, I want to compliment the gentleman from Arkansas (Mr. BERRY) for his leadership on this issue not only here on the House floor tonight but for the last over a year with our moderate-conservative coalition of Democrats, our Blue Dog Coalition. And I will not ask you what a Blue Dog is, but your leadership has helped a great deal.

Mr. Speaker, I yield to my colleague from San Antonio, Texas (Mr. RODRIGUEZ), a former roommate for a year and served with him in the State House when I was in the legislature.

Mr. RODRIGUEZ. I thank the gentleman from Texas (Mr. GREEN) for taking the leadership to talk about the importance of access to health care throughout this country. Managed care reform is needed drastically.

I will just quickly give an example of some of the problems we have encountered in Texas. We have recently had a situation where one of the particular companies decided to cut a lot of the rural counties out from having access to health care. The reason why is the reimbursement on Medicare is lower for rural areas than it is for urban areas, so there is definitely areas that we need to work on to make sure that those people in rural Texas and rural America also get the same type of access to health care that is drastically needed.

In addition to that, one of the things that I know the gentleman from Texas (Mr. GREEN) knows full well is the fact when we talk about the Patients' Bill of Rights, the right for everyone to be able to see the doctor of their choice, especially when they encounter a situation where they need to see a specialist, an accountant, an insurance person should not be the one to dictate whether they should see that doctor or not. It should be that particular doctor, the one to have the say-so.

So the Patients' Bill of Rights that we have been pushing for the last 2 years is critical. I am hoping that the Congress will decide to do the right thing on an election year, and hopefully we will be able to make something happen when it comes to the Patients' Bill of Rights bill. I also wanted to touch base, and I know the gentleman from Texas (Mr. GREEN) knows full well the fact that we have a large number of uninsured in this country. It has gone over 44 million now. Texas is one of the largest of uninsured individuals. We are talking about individuals, working Americans, working Texans. These are people that are making too much money to qualify for Medicaid, not old enough to qualify for Medicare, yet at the same time are not making a sufficient amount of resources to be able to cover their families and have access to insurance.

I know that the CHIPs program, the children's insurance program, has been a great program that has been in the forefront and thank God for President Clinton's effort and the Democrats in pushing that program forward. But we

still have a lot to do. States such as Texas, for example, that was one of the last States who actually moved to approve the CHIPs program, decided to move and only fund 55 to 60 percent, so that means that 10 kids that qualify, we will only be able to service six of those based on the resources that were allocated.

So there is a real need for us to reach out and making sure that those youngsters get access to health care. I know from a Hispanic perspective, and I head the task force for the Hispanic caucus, we want to make sure that the parents of those children also have an opportunity to get insurance. Those individuals, those parents are also parents that are out there working hard and trying to make things happen for their families. We are hoping that we can expand that CHIPs program to the parents of those children to make sure that they get access to health care.

Aside from the fact that things are getting worse in terms of the uninsured and things seem to be getting worse also for managed care systems, we also need to look at Medicare. In the area of Medicare, it is ironic to think that right now if you are on Medicaid for the indigent, you get access to prescription coverage. Yet if you are a senior citizen, you do not have access to prescription coverage.

It does not make any sense. It was started, Medicare, during a time when not too many prescriptions were being utilized in the area of getting people taken care of, and now there is a need for prescription coverage and the cost to those senior citizens as we well know is astronomical. In fact, studies that were done throughout this country and specifically in my district, we did a study and we found that our senior citizens are getting charged more for the same prescription than someone who is on a major insurance company. So that the pharmaceutical companies are basically giving breaks and giving discounts to individuals, but when it comes to our senior citizens that are on Medicare they are not getting those same prescription coverages.

I know that they are spending a lot of money on lobbying; I know that again some of our legislation to allow our senior citizens to have access to Medicare, but it is something that I feel real strongly about, that we need to make sure that our senior citizens get that access to that prescription coverage and if nothing else for them to get it at the same cost that those other individuals get when they go out there and purchase that prescription.

One of the other things when we look at the issue of health care, and it goes beyond in terms of not only the uninsured, the importance of prescription coverage but also in terms of veterans. Last year we worked real hard to try to get a $3 billion increase in the veterans for access to health care. I know that in committee, the Republican side fought us extremely hard. They also fought us on the House floor on an amendment to add those $3 billion. We were able to add $1.7 billion. This year, I was real pleased to see the administration come up with a $1.5 billion increase on veterans health care; but in all honesty, that is just to keep up with existing cost.

There is a real need for us to reach out to those veterans. There is a need for us to make sure we fulfill that agreement that we made to all those veterans out there to have access to health care. One of the things that I have seen up here in the last 3½ years is the fact that as Americans and as agencies that are responsive and talking in our behalf, they definitely did tell our veterans that they were going to have access to health care. That is one of the things that we have neglected to do.

One of our obligations is that we have to make sure that those individuals get access to that health care. This year, we are moving forward to try to fulfill some of those needs in the area of veterans needs as well as TRICARE. If I could, I want to just touch base with the gentleman from Texas (Mr. GREEN) on TRICARE. TRICARE is an issue of those retirees that are out there. A lot of them are having a great deal of difficulty, and these are the retirees, military individuals, a little different than the VA, a different source; but it is one of the areas that they are also having a great deal of difficulty. We are hoping to put some additional resources in that area and to make some things happen for our military retirees that are out there. In conjunction with all the other needs that we have on health care, there is a real need for us to move forward in these areas.

I want to thank the gentleman from Texas (Mr. GREEN) for the leadership that he has taken in this area.

Mr. GREEN of Texas. I thank the gentleman from Texas (Mr. RODRIGUEZ) for being here today. In fact you have covered so many issues that are important. TRICARE obviously even in Houston where we do not have an Army medical hospital, a Navy hospital or whatever, we have a VA but we have a lot of veterans. It is an issue there. You were in the state legislature and a State House member in 1995.

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. In 1995, the State of Texas passed the first strong managed care reform bill, HMO reform bill, passed both the House and the Senate and the governor vetoed it in 1995.

Mr. RODRIGUEZ. Exactly.

Mr. GREEN of Texas. In 1997 you were elected to Congress in a special election, I believe.

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. Were you in the legislature in 1997?

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. You remember when the legislature passed the HMO reform bill or managed care reform bill in Texas and it was passed by the legislature and it became law this time, though; but the governor did not veto it, he did not sign it, it became law without his signature.

Mr. RODRIGUEZ. That is right.

Mr. GREEN of Texas. That is the history of managed care reform in Texas. There are things that I am proud to be a Texan always; but obviously we have not done as well as we should on the CHIPs program and those prescriptions that you talk about on Medicaid; I think our seniors in Texas only receive three prescriptions. That is better than none, obviously, if you are poor and on Medicaid.

Mr. RODRIGUEZ. Let me just share in that area, other States actually get more. We as a State have chosen not to participate fully on that. That is why we only get three prescriptions, because the State chooses to put a limit on those prescriptions. In fact, I authored some legislation to force the Texas House to move forward on that, and I was able to get six prescriptions if you are in a nursing home, six prescriptions if you are in a hospital; but if you are at home, you still just get three.

Mr. GREEN of Texas. That is just for people who qualify for Medicaid.

Mr. RODRIGUEZ. That is right. Medicaid, which means indigent. One of our biggest problems as you indicated is those people who make a little bit above the indigent level, which is $12,700 a year for a family of three, those that make a little bit over that find themselves not being able to qualify for Medicaid but find themselves without any insurance whatsoever and having a job where they cannot afford to have insurance.

The other issue as we well know is the issue of Medicare. That is an issue that also we find ourselves with a lot of senior citizens not being able to have access to prescription coverage.

Mr. GREEN of Texas. Let me get back to our managed care issue. Sometime we can have a discussion on the floor on that. I know I have some other colleagues who are going to be here. Mr. Speaker, let me talk about some of the numbers that we have seen. I quoted earlier the Kaiser Harvard study of doctors. Almost 90 percent of doctors report denials by managed care plans of services they requested for their patients.

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We can see how many, over 80 percent overall portion of doctors saying their request for some type of health, 87 percent; 79 percent portion saying their request for prescription drugs had been denied; 69 percent portion say their requests for diagnostic tests have been denied. Sixty-nine percent of the doctors are saying they have had experience with that.

Again, that is why we need to make sure that doctors can talk to their patients and have the freedom of speech when they talk to their patients.

That is why it is so important that we pass the conference committee

work as diligently as we can, but that they make sure they do not send us out a fig leaf, they do not send us out something in an election year that is just saying the House and the Senate passed a managed care reform. We need a real Patients' Bill of Rights, real HMO reform.

This House took the bold step last year and passed, on a bipartisan vote, the Dingell-Norwood bill. That is a strong bill that was patterned after what States have found successful.

I see my colleague from Houston, the gentlewoman from Texas (Ms. JACKSON-LEE). We share Houston, Texas, and I would like to yield time to her.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. GREEN) for his leadership. This is a particularly important special order, and it is long overdue for us to find common ground on HMO reform.

It is extremely important because, Mr. Speaker, Americans are asking us in a bipartisan manner to address this issue. I do know that the conferees have been appointed; and I do know, however, that their work is not done and that is really the crux of the issue.

My good friend, the gentleman from Texas (Mr. GREEN), did do very able work, both, I believe, in the House in the State and as well as in the Senate in the State of Texas. I, like him, am proud of the legislators who a long time ago, 1995, and that is a long time ago, 5 years ago, passed a Patients' Bill of Rights. Unfortunately, those bills did not deem to find their way on our governor's desk to be signed, but they were in place.

I think the key that I want to say, besides the fact that it did not get signed by our governor, is that it works; that we have not heard any complaints or any outrageous imbalance that has occurred. It has not gone far enough, of course; but we have not heard any major complaint from constituents or managed care entities or hospitals about how that particular legislation has worked. I think that is a good point, and the reason why it is a good point because what we have heard in the discussion, even though we managed to get this bill off the floor of the House and passed, is the apprehension and fear of what will happen, what disarray will occur in the insurance industry if we pass a Patients' Bill of Rights.

I just simply want to share these very simple aspects of the Norwood-Dingell bill, bipartisan bill, hard-worked bill, and, Mr. Speaker, I want to know whether or not these are endangering our system as we know it. Direct access to specialty care simply means that if someone is a diabetic or if they have high blood pressure and they need specialists in that area, they can immediately go to their HMO, go to that particular specialist, rather than having the referral.

I have a mother who obviously is a senior citizen, and every time I have to hear her saying I have to get referred to the doctor who deals with diabetes or I have to get referred to the doctor that deals with my heart disease, that kind of almost denial of service to our seniors and others who need this kind of care makes it more difficult for them to access health care. They have to worry about the appointment with the specialty person by way of waiting for the referral to come through, and I think that that makes it very difficult.

Emergency room care is enhanced and improved under the Norwood-Dingell bill. That means that someone is not turned away. We have heard so many tragic stories. One young man, who was an amputee, who was here on the floor of the House, and the reason is because when something happened to him as a little nine year old, I believe was his age, his parents had to travel past a close emergency room because they were not covered or that emergency room said they were not covered.

These are tragedies in America, in a country as wealthy as we are, that should not occur.

The bill also includes an HMO appeals process by a panel of experts and HMO liability for refusal to authorize lifesaving treatments. In essence, it allows one to hold their HMO accountable.

A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials. The same study also found that 61 percent of patients complained of the decreased amount of time doctors spend with patients; 59 percent complained of the difficulty in seeing medical specialists; and 51 percent complained of the decreased quality of care for the sick. We can address this.

First of all, we can applaud those medical professionals that we do have but we can address this by simply passing the Patients' Bill of Rights.

I would like to share, before I close, a sample of some stories that would argue that we need to hastily run to the conference and get this bill out and to the floor and to the Senate and let it be signed by the President of the United States.

First of all, I think it is important to note that we have a lot more to do other than the Patients' Bill of Rights and that is, of course, we need to deal with the prescription discount for our seniors. I have had a study done in my district. It has shown that one can get drugs cheaper in Mexico and elsewhere other than the City of Houston. It shows that, in particular, my seniors have to take monies that they would use for food and rent to be able to pay for their drugs, a huge cost, $800 a month or more for some seniors who have lifesaving needs or drugs that provide lifesaving opportunities for them.

Why can we not simply pass a very simple bill that allows for those drugs to be discounted? Why are we not adhering to the heed and the cry of those we pretend to represent and provide seniors with that discount?

As I have said, this Patients' Bill of Rights, a part of HMO reform, really is urgent; and I have examples right out of my community. John McGann found that he had AIDS and thought that he would be covered adequately by his health insurance. When he filed a claim for AIDS-related treatment, he found out that his benefits had been capped retroactively. Since his insurance was through an ERISA group health plan, the State consumer protection plan did not apply. He sued claiming discrimination and lost. Unfortunately, John McGann died, and the ruling on his case was upheld by the Supreme Court.

Therein lies a great need for us to intervene legislatively.

Let me lastly say, Wendy Connelly from Sherwood, Oregon, went to a local hospital with symptoms of what she thought was a heart attack. When she got to the hospital, she found out that she was suffering from a previously undiagnosed thyroid imbalance, not a heart attack, and she might have been at that point a little grateful.

The bill arrived for her treatment and the HMO denied her claim because her treatment was not considered to be emergency care.

The HMO based its decision on her final diagnosis, not on the symptom that caused Wendy to go to the hospital.

Wendy fought the decision by her HMO with the help of her doctors and the hospital. She prevailed on her appeal, but she found out that the denial was a routine practice of insurance companies that emergency room visits had to result in a final diagnosed emergency.

Then what are we saying, Mr. Speaker? That when people feel that they are having a heart attack or some other dangerous symptom that may result in a loss of life that they should just sit here and say, my God, let me sit down and think is it my thyroid or something else because I will not get the benefit of my HMO that I am paying for because they will deny me the access to emergency room care?

We do want more of our citizens to be preventive or to deal with medicine from a preventive way to take care of themselves, but there are tragedies that are occurring every day. John McGann lost his life. Wendy Connelly was insulted with her HMO denying her a coverage. Joyce Ching had rectal bleeding and wound up dying, who she had in her family, her father died of colon cancer at a young age, and she was referred or denied a specialist, unfortunately, even though she had a history of colon cancer when she had rectal bleeding.

All of those are, I believe, indications, as my colleague has indicated by this special order today, that we are at a crisis in health care. We need to have the Patients' Bill of Rights. We need to have the prescription discount for our seniors; and, frankly, we need to have the Norwood-Dingell bill that will hold

HMOs accountable for some of the negative aspects of health care that they generate.

I hope that we can move this legislation along, and I thank the gentleman from Texas (Mr. GREEN) for his leadership on this issue in bringing this particular special order to us. I would frankly say, can 73 percent of the American population be wrong? Can those who believe we can do better be wrong?

I would simply ask that we quickly pass these legislative initiatives so we can bring real health care to the American public.

Mr. Speaker, I rise today to add my voice in support of the Bipartisan Consensus Managed Care Improvement Act, the Norwood-Dingell patient protection legislation. This legislation sets a Federal standard to ensure that Americans will have basic consumer protection in their health care plans.

Americans have waited a long time for us to enact this legislation. This balanced, reasonable legislation represents the best hope for passing meaningful protection from abusive practices for patients.

In the past few years, there has been a dramatic change in the way people receive and pay for health care services. More than three out of four people are enrolled in managed care plans—health maintenance organizations (HMOs), preferred provider organizations, and point of service plans.

Managed care is an attempt to improve access to preventive and primary care, and to respond to high health care costs. Managed care plans were designed to control unnecessary and inappropriate medical care.

However, many Americans believe that instead of improving the health care system, managed care plans have increased the number of problems through bureaucratic redtape and denials of care.

Thus, the reform movement here in Congress sought to give consumers certain protections when receiving health care services. The original Patient's Bill of Rights was one attempt at patient protection legislation. In an effort to propose managed care reform that could be supported by everyone, the Bipartisan Consensus Managed Care Improvement Act was offered by Representatives NORWOOD and DINGELL.

There are four key elements to the Norwood-Dingell managed care reform proposal. These reforms include: (1) direct access to specialty care; (2) emergency room care; (3) an HMO appeals process by a panel of experts; and (4) HMO liability for refusal to authorize life-saving treatments.

These reforms are basic consumer protections that ensure that patients receive the best quality of care needed. In addition, this bill provides for an expanded choice of physicians, access to prescription drugs and continuity of care when a doctor leaves a network.

I support this legislation because I believe Americans deserve quality health care from their managed care plans. I have received many letters from constituents that express their dissatisfaction with the care that they received from HMO's.

A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials. The same study also found that 61 percent of patients complained of the decreased amount of time doctors spend with patients; 59 percent complained of the difficulty in seeing medical specialists; and 51 percent complained of the decreased quality of care for the sick.

Last spring, many of my constituents used the power of the Internet to add their names to a national online petition in support of the Patient's Bill of Rights. These constituents believed that this legislation was crucial to provide consumers with the basic protections that are necessary to ensure that they receive quality care.

To further Illustrate how important this legislation is to the American people, here are some stories of people who have true HMO horror stories:

In Houston, TX, John McGann found out that he had AIDS and thought that he would be covered adequately by his health insurance. When he filed a claim for AIDS related treatment, he found out that his benefits had been capped retroactively. Since his insurance was through an ERISA group health plan, the state consumer protection plan did not apply. He sued claiming discrimination and lost. Unfortunately John McGann died, and the ruling on his case was upheld by the Supreme Court.

Wendy Connelly from Sherwood, OR, went to a local hospital with symptoms of what she thought was a heart attack. When she got to the hospital, she found out that she was suffering from a previously undiagnosed thyroid imbalance, not a heart attack. The bill arrived for her treatment and the HMO denied her claim because her treatment was not considered to be ''emergent care.'' The HMO based its decision on her final diagnosis, not on the symptoms that caused Wendy to go to the hospital. Wendy fought the decision by her HMO with the help of her doctors and the hospital. She prevailed in her appeal, but she found out that the denial was a routine practice of insurance companies—that emergency room visits had to result in a final diagnosed emergency.

Glenn Nealy suffered from unstable angina and was treated with a strict regimen by his cardiologist. His employer changed health plans, but Glenn was assured that he would continue to be treated. Glenn attempted to go to a doctor that participated in the plan, but after several administrative delays he suffered a heart attack and died. Before his death, he had also requested several times to see his original cardiologist, but was denied.

Joyce Ching from Agoura, CA, died from misdiagnosed colon cancer in 1994. When she complained of severe abdominal pain and rectal bleeding, an HMO doctor told her that her symptoms could be treated with a change in diet. She was refused a referral to a specialist until it was too late. In the early diagnosis stage, the doctor failed to ask Joyce for a family history, which would have revealed that her father also died of colon cancer at a young age.

Buddy Kuhl, from Kansas City, MO, required special heart surgery after a major heart attack. He could not get the surgery in his hometown, so he was referred to a hospital outside of the HMO service area. Initially, the HMO refused to certify the surgery, but later agreed after a second doctor confirmed the recommendation of the first doctor. A few months later, Buddy found that he needed a heart transplant. The HMO refused to pay for a transplant, but Buddy got on a transplant list anyway. However, he died while waiting for a transplant.

In each of these cases, an HMO bureaucrat made a decision that caused the death, or delayed care for a patient in need. Although Wendy Connelly survived her illness, she had to fight for her benefits. The other patients were not so lucky.

I once heard someone say, ''As long as you are healthy, HMO's are fine, but the trouble starts when you get really sick.'' This statement is a sad commentary on the state of health care service in this country. That is why the Norwood-Dingell bill is so important. People need quality health care whether or not they are sick.

The Norwood-Dingell proposal includes access to specialty care. In the cases I cited several of the patients were denied access to specialists. Joyce Ching was refused an initial referral to a gastroenterologist and Glenn Nealy was refused an initial referral to a cardiologist. In these cases, the delay was fatal. If a specialist is needed, patients should be able to receive those services.

The Norwood-Dingell bill also includes access to emergency room care. Wendy Connelly received emergency room care, but her claim was denied because her final diagnosis differed from the heart attack symptoms she first experienced.

Under this proposal, no patient would be denied a claim for non-emergent care if the symptoms seemed more serious. Emergency care should be available at any time without prior authorization for treatment.

The third major reform is an HMO appeals process by a panel of experts. In each of these cases, an independent review panel probably would have overturned each of the decisions made by the HMO.

The expert panel would consist of an independent group of professionals, not a panel of insurance agents. Particularly in the case of Buddy Kuhl, a review panel would have determined that his condition was too serious to wait as long as it took for a confirmation of the original diagnosis.

Finally, the Norwood-Dingell proposal would impose liability on an HMO for refusal to authorize life-saving treatment. Although this is one of the most controversial aspects of this legislation, the ability to hold an HMO liable for certain decisions is an important reform for patients.

In some of the cases I cited earlier, the victims' families could not recover damages from the HMO because it was governed by ERISA (the Employee Retirement Income Security Act regulations), which only allows a patient to recoup losses caused by the delay or denial of care.

The Norwood-Dingell measure expands health plan tort liability by permitting state causes of action under the ERISA to recover damages resulting from personal injury or for wrongful death for any action ''in connection with the provision of insurance, administrative services, or medical services'' by a group health plan.

In my home State of Texas, we have The Health Care Liability Act that allows an individual to sue a health insurance maintenance organization, or other managed care entity for damages for failure to exercise ordinary care when making a health care treatment decision.

The first lawsuit to cite Texas' pioneering HMO liability law, filed against NYLCare of Texas, demonstrates why this measure is important. NYLCare's reviewers made the decision to end hospital coverage for a suicidal patient. Despite his psychiatrist's objections, the patient did not protest the HMO's decision to release him from the hospital, and, shortly after discharge, he killed himself.

In her decision in this case, 5th Circuit Judge Vanessa Gilmore wrote:

[I]n light of the fundamental changes that have taken place in the health delivery system, it may be that the Supreme Court has gone as far as it can go in addressing this area and it should be for Congress to further define what rights a patient has when he or she has been negatively affected by an HMOs decision to deny medical care. . . . If Congress wants the American citizens to have access to adequate health care, then Congress must accept its responsibility to define the scope of ERISA preemption and to enact legislation that ensures every patient has access to that care. Corporate Health Insurance v. The Texas Dept. of Insurance, 12 F. Supp. 2d, 597 (S.Tx. 1998).

This case will set a standard for patients who have been denied care or refused treatment. Critics claim that this provision will expand employer liability, but this is not true. Detrimental HMO decisions will effect the HMO, not the employer. As in any case of liability, the decision-maker must accept the consequences of an unwise decision.

The Norwood-Dingell proposal should not be controversial for any Member of Congress who is serious about protecting patients from insurance company abuses. The patients, families, and doctors deserve to make decisions about health care services.

If the health care industry continues to act as a well-heeled special interest group that puts profits ahead of patients, then these reforms deserve our unequivocal support. I urge my colleagues to support this bill.

Mr. GREEN of Texas. Mr. Speaker, I am so glad the gentlewoman from Texas (Ms. JACKSON-LEE) brought up those because oftentimes to pass legislation we have to show the public support and, like the gentlewoman said, over 80 percent support now for a real Patients' Bill of Rights and managed care reform.

We have to show the need for it, not just the public support. The gentlewoman's example of the three people she gave, particularly the last one, and March being colorectal cancer month it is so important that we look at our family history and that HMO and the physicians need to look at that so someone can go and be screened to make sure, because colorectal cancer like anything else, the earlier the detection the more chance there is of survival, and the less money it will cost for treatment.

All of us do lots of newsletters, Mr. Speaker, and I know I read all of mine, particularly the ones that people write in and give particular opinions. So we sent one out and had town hall meetings in January and February of this year and so some interesting ones came back, particularly on HMO reform, and to point out the need for it. This person from Humble, Texas, part of the district I represent, every time I get my referral, my 6-month referral for my cancer, I get a 9-month checkup not 6 months as I should get, and a lot of things they should pay for they will not.

Instead of a person obviously who has had a history of cancer and has to go back, should be going back for every 6 months, her HMO says, no, she has to go back every 9 months and she has to get permission even to go back for that 9 months.

That is what the Dingell-Norwood bill would change, that that person should go back and get that checkup and they should not have to go back to their gatekeeper before they can go to their oncologist or their specialist, hopefully for a 6-month checkup instead of waiting another 3 months for it.

Another from north side Houston, in fact an area where I grew up, why cannot our family doctor have more control over us in the hospital? Please answer why that is the case.

Well, what happens with HMOs is that they will assign a physician to someone and their family doctor or their gatekeeper that they have selected oftentimes loses that control. Let me give an example of what happened in my own district. We had an individual in Pasadena that the HMO doctor came in, the family doctor or their gatekeeper said this person actually was terminal, with cancer, and the HMO doctor came in and said, you need to be released, you cannot go here and if you come back to the hospital you have to go across town.

So those constituents contacted our office and they expressed, our father is terminal and even our family doctor said he should stay in. After talking to that insurance company, they understood the error of their ways and they agreed to let that patient stay in there.

A person should not have to call their Member of Congress to get adequate health care. We should be able to pass the legislation, have the President sign it and they should not have to do that so that HMO doctor, who was assigned, cannot go in and say you need to be released, not consulting with the family doctor. That came again from North Side Houston.

I had another case in Pasadena. East End, in fact we share near East End where our new ball park is going to go up and the Astros are going to have their opening game, make HMOs accountable for better care. They have had horrible experiences. This is from Hagerman, near East End, almost in the district of the gentlewoman, but part of my district in East End Houston.

Again, these are newsletter responses that come back and say how they need. Remove restrictions that HMOs and PPOs place on doctors. Again, the gag rules that are placed on them and also the restrictions that a doctor cannot say what to do.

That is why this House last year passed a strong Patients' Bill of Rights bipartisanly and that is why the conference committee hopefully will, as we say in Texas, get up and do what is right. We need to do what is right and pass something for the whole country, not just say in Texas. I imagine the percentages in the district of the gentlewoman are the same. Two-thirds of the insurance policies in my district come under Federal law and not State law. So only a third of the people have the protections they have.

Two-thirds of the people need us to pass a bill that is as strong as the bill for Texas, that they did in Texas, and that is why it is so important.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the gentleman sharing with us real-life stories because every time we do have our town hall meetings or we interact with constituents, there are a number of tragic stories. As I indicated, Mr. McGann passed away. He was suffering from HIV and was distraught to find out that his illness, which we all know now is an illness that can attack almost anyone, was not covered. It did not provide him the care that he needed.

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What we need to do is to break the shackles or the intimidation process, so that, as the gentleman has so aptly said, access to health care does not have to be on the order of getting permission from the United States Congress, meaning that Congresspersons have to then intervene on behalf of their constituents to get simple health care.

Mr. Speaker, I want to bring up the point of the specialty care and the block that most individuals get. It may be that they are suffering from sickle-cell; it may be that they are senior citizens with a number of ailments. People do not realize how difficult it is to get around as a senior citizen and to go to one primary care physician just to get, it is almost a ticket, just to get a slip of paper to say that you are referred to a specialist.

Then one has to wait for a long period of time for that specialist to have time on his calendar, if you will, a physician's calendar. That is not necessarily an attack on the physician who is overwhelmed and overworked possibly, but then one has to wait to be seen by that particular specialist which delays one's diagnosis, and it also speaks to what the gentleman has just noted. The person who needed a 6-month checkup is given a 9-month. Why? Not for any other reason but to save money. But it is well known that the illness that they have needs a 6-month detection.

So what we are asking for is that there should not be a bar or a closed door to the need of our citizens to get health care in this great country where they are saying in one voice, whether

it is the east end or the fifth ward, or whether it is the Heights, whether it is downtown Houston since that population is growing. I have heard that the stories do not respect whether or not one is a working person with an income of $25,000, someone who does not have health insurance, or someone who happens to be well-to-do. The problem is that the HMO, if you will, ties the hands of those who need health care; and we need to have those hands untied.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Houston. That is so true. That is why this is not an issue of economics or demographics or anything else, whether one makes $100,000 a year, $25,000 a year. If one is in an HMO, one's health care can be delayed, it can be denied, unless we pass a strong managed care HMO reform bill.

One of the issues I talked about a little bit earlier, and I want to address particularly, because I do not know if my colleague has heard about it, but I have, and particularly in meeting with some of my employers in the district, and that is again, their fears that they will be sued. I want to quote from the bill, section 302 of the bill that passed this House that says: nothing in this subsection should be construed as a cause of action under State law for the failure to provide an item or service which is specifically excluded under the group health plan for the employer. It does not authorize any cause of action against the employer or other plan sponsor maintaining a group health plan or against the employee of such person.

The intent of this legislation is not to sue the employer or sue the employee of that employer unless they are making those medical decisions, unless they are involved in it. Again, my real-life experience before getting elected to Congress is that employers do not make that kind of decision. Employers go out and buy an insurance plan, what they can afford; and they do not decide whether someone should go to this doctor or that doctor or this hospital or that hospital. That is up to the plan to make that decision, with the premiums that they charge.

So this bill actually prohibits lawsuits against the employer or the employee of that employer, based on health care, unless that employer is making that decision. Again, that is not the case. I do not know how we can make it any stronger. Frankly, during the debate last year on this legislation, I asked some employers, I said, if you can make it any stronger, please give me the language and we will make every effort to put it in. I never received any language.

So this bill, the Dingell-Norwood bill, does not allow for employer lawsuits. So that is one of those straw men that get thrown up oftentimes during legislative debate. But managed care reform, real managed care reform, over 80 percent of the people support: Democrats, Republicans, Easterners, Westerners, Midwesterners. And that is why this Congress needs to pass it. If it is not in the year 2000, then hopefully the voters and the folks will remember this November that this Congress needs to be responsive to their requirements, particularly when we see 80 percent, and we hear the examples that we have given today and heard about.

That is why it is so important that this Congress address a real Patients' Bill of Rights and include the 5 issues that we want to make sure they have: independent appeals, so they can get a timely medical decision; that we can eliminate those gag clauses; that we can have access to specialists; like my colleague said, women can go to their OB–GYN, not only for a specialist, but for their primary care; adequate emergency room service, and again, the example of not having to pass by an emergency room, or going to an emergency room with pain and then the doctors find out that you have some other illness and say no, you should have gone to your regular doctor. That is not the case. The issue is that they were experiencing pain originally, and whether it was the thyroid or heart or whatever should not matter.

The last point, the best one, we can pass all of the legislation that we want in this bill, but if it does not hold the medical decision-maker accountable, if the person is telling that person no, you should not get that test, if that person is not accountable, and again, they have been accountable under Texas law now for 2½ years and we have not seen a huge number of lawsuits. Again, Texans are not normally shy about going to court if they feel that they are aggrieved.

Mr. Speaker, I yield to my colleague.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for that very excellent summary. I just wanted to go back to the point about pain, because the new science from medical professionals is that we should listen to the signals of pain. Just as the gentleman has indicated, here we have HMOs who tell us to go back home because in the example that I gave, she thought she was having a heart attack, but it happened to be thyroid, so that is contradictory to what the medical professionals are telling us, which is to listen to pain symptoms and act on them and not to ignore them.

Let me just add that we holistically need to look over all at health care, and I hope at some time we will be able to pass the mental health parity bill. I think all of us have been supportive of that. That has not come to the floor. It has been filed every year, but we have not done that.

Then, one of the issues that we need to continue to address, and that is why we should know that we are not solving everything with the Patients' Bill of Rights, so people who are fearful of it should realize that there are still issues to deal with.

I have an omnibus mental health bill for children called Give a Kid a Chance, which is to give greater access to mental health care to our children and our families. There is certainly evidence through what we have seen in gun violence and children using guns that families are in great need of support systems. Mental health is a health issue, but we have not yet been able to address the question of mental health the way we should in this Congress.

So I hope that this Special Order today emphasizes not only the HMO reform, but the overall need of addressing health care issues. I am looking forward to bringing my mental health bill both to committee and then to the floor of the House. But I want to do that as we move the Patients' Bill of Rights along, as well as the prescription drug discount, and finally address the questions that Americans have asked us to address.

I thank the gentleman for yielding this time to me and for bringing to the attention of this Congress the need for HMO reform. I am happy to yield back to the gentleman.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague again, because there is no doubt that this Congress needs to address a broad range of health care. We have a bill that passed the House, that is a strong Patients' Bill of Rights; and we need to take one step at a time, Mr. Speaker. If the conference committee will come out with a strong Dingell-Norwood bill just like passed this House, then we can put this issue behind us and we can address health care for veterans; we can address mental health and get on to other issues that are important.

But, first of all, when people pay a premium, they have to make sure that they receive the health care that they are paying for; and that is what is so important about this Patients' Bill of Rights. They have to know that when they pay the money for their premium, that they are getting health care and not just getting a denial slip or delayed health care, because someone is making a decision that they are looking at the bottom line instead of the health care of that person.

Mr. Speaker, again, I thank not only our Democratic leader, but also the colleagues of mine who have been here tonight.

Mrs. MALONEY of New York. Mr. Speaker, last session, this House passed a sound and responsible managed care reform bill with solid support from both sides of the aisle.

The conference committee has finally met and the appointees are now negotiating critical provisions such as direct access to OBGYNs for women and direct access to pediatricians for children.

Faced with a daunting number of managed care reform bills, our fellow lawmakers in all 50 state legislatures are urging us to take action soon.

Their pleas echo those of millions of patients, family members, and providers who feel disenfranchised and exploited by the Big Business of Big Medicine.

These are real patients with real diseases, real pain, and real fear.

We have heard for so long about the onerous obstacles that patients face in getting the care they need.

We have come together as a House to pass sound legislative remedies.

Now let us finish the job we began last session without further delay.

Mr. Speaker, these patients don't have any more time to wait, nor should they have to wait . . . We owe it to them to finally deliver the relief that is promised in the Norwood-Dingell bill.

And the Patient's Bill of Rights isn't just about patients—it's about beleaguered health care providers gagged from speaking their expert opinion and prohibited from practicing to give the best medicine they know.

No single piece of legislation passed during this Congress has more support and more urgency than the Patients' bill of rights.

I call on my colleagues assigned to the conference committee to waste not one more minute in bringing this legislation to the desk of the President, so that the Patients' Bill of Rights can become law.

DEPARTMENT OF EDUCATION UNAUDITABLE DUE TO SLOPPY RECORDKEEPING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I want to talk tonight about some of the work that we have done in our committee over the last few months, and I chair a subcommittee that has oversight responsibility for the Education Department.

It was back in October, October 29, that me and some of my colleagues from the committee, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Arizona (Mr. SALMON), walked down Capitol Hill. We walked to the Department of Education. We wanted to meet with some of the people at the Department of Education, and we wanted to meet with Secretary Riley to find out if we could help the Secretary find a penny on the dollar of savings. It was when we were going through the budget negotiations and a various range of activities. One of the things that we were saying is, can we find some savings in our various departments so that we can stay within the budget caps, make sure that we do not raid Social Security and actually develop a surplus in the general fund, as well as in the Social Security fund.

Well, when we went there that day, we found out some interesting things. For 1998, the fiscal year of 1998, the Education Department had just received their audit, the financial audit completed by Ernst & Young, which is a report that Congress mandated that every agency go through, that they bring in independent outside auditors to review the books. What did we find out? We found out that for 1998, the Education Department was 7 months late in meeting their statutory deadline. That is the good news. The bad news that we found was that Ernst & Young was not going to give them a clean audit. Actually, they did not render an opinion on any of the 5 financial statements that the Education Department was required to complete. So basically, their books could not be audited.

What we also found out is we went and dug through this, and we found that there was an account called the ''grant-back account.'' It had $594 million. This is money that is recovered or supposed to be recovered from schools and universities who have had some problems with the grants that they are receiving. They returned this money back to Washington; that is why it is called the grant-back account. It had $594 million in it. The auditor stated that of this, only $13 million could actually be attributed to grant-back activities, meaning that over $580 million of that account could not be reconciled, that the Education Department could not tell us how the money got there, what accounts that this money had come from, or where this money was going to be used. As a matter of fact, under law, most of this money should have gone back to the Treasury, but it was still sitting at the Department of Education.

Mr. Speaker, they receive $35 billion a year. As they were going through the process, the auditors had found an instance where, in 1998, as they were adjusting their books, they had made a $6 billion, that is with a B, a $6 billion adjustment in their books. Now, this did catch the attention of the auditors, and they went back to the Education Department and said, could you please explain to us why in this preliminary statement it was *x* amount, and why in this follow-up statement you had made a $6 billion adjustment.

Can you perhaps explain to us and give us the paperwork and the background so that we can understand how this first statement was so totally inaccurate and where the documentation was and why it was not there in the first place, and the answer coming back from the Education Department is no, we do not have the backup data to explain exactly why we needed to make this $6 billion adjustment.

We found out that in 1998 in the audit that there were $76.8 million in improperly discharged student loans. These are young people who had received student loans, but the Education Department, rather than expecting these students to repay these loans, had improperly discharged $76.8 million worth of student loans, a great deal for these students. The problem is, we expected these students, and these students had agreed, to pay us back and the Education Department discharged those student loans. They said well, let it go. These are kids that completed college, not a big deal. It is a big deal. The $76.8 million could have funded 20,000 new loans for students.

There was $177 million in improper Pell Grant awards. That is enough for Pell Grants for 88,500 students.

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There was $40 million, and this is one that is very interesting, there was $40 million in duplicate payments in August of 1998 alone. What does that mean, duplicate payments? It means that the Department of Education has a list and says, hey, we have to cut checks. We have to write checks to these students, to these organizations today. They cut the checks, they cut checks for $40 million, and they run it through again, and they run another set of checks for $40 million. In many cases, they find these duplicate payments.

But the problem in this, and we will talk about what happened in 1999, is that these duplicate payments have now continued for a period of over 13 to 15 months, meaning that on occasion after occasion after occasion, the Department of Education continues to make duplicate payments. I believe in most cases they are catching them, but we do not know if they are catching them in all cases or not.

Again, it is gross mismanagement of taxpayers' dollars, of some of perhaps the most important dollars we are spending in Washington: It is the dollars we are spending and investing in our kids' education.

So what do we find now in 1999? There was a hearing, and probably one of the more disappointing hearings that I have had since I have been here in Washington. It was last week. We will also talk about a hearing that we had on Friday, because it was one of the most exhilarating hearings that I have had and have had the opportunity to participate in since I have been in Washington, but it is a sharp contrast.

On Wednesday, we brought in Ernst & Young, the auditors. We brought in people from the Department of Education. We brought in people from the General Accounting Office and the Inspector General's office to tell us about the results of the 1999 audit: Could the Department of Education now account for where their $35 to $38 billion of money went that the taxpayers gave them to invest in our kids in 1999?

That was on Wednesday. On Friday, we brought in some individuals who are having an impact on education at the local level, three people who are running charter schools in their local communities, one from the Los Angeles area, one from Colorado, and another from Washington, DC.

What a sharp contrast between the answers that we got from the Department of Education on Wednesday as to what they were doing with their $35 billion, and these individuals who are running charter schools in their local communities, in some areas going to some of the toughest neighborhoods in the communities and reclaiming those kids, those schools, and those neighborhoods through their activities.

Obviously, what happened on Wednesday was not good news. The Department of Education came in and said, well, we have made progress. At least this year our report is not 7 months late. Actually, it is the Inspector General who is responsible for doing the audit work. They came back, and she hit the date. She was supposed to be done by the end of February, and she worked with Ernst & Young, and the Inspector General did a great job to inform Congress as to the status of the Department of Education books for 1999.

The good news is they hit the target. The bad news is, the books cannot be audited. They have to, again, do five statements. Four of the statements have qualified opinions. The fifth statement the auditors did not render an opinion on, meaning the fifth statement again cannot be audited.

On the other four statements there were serious concerns about each one of those statements that would lead one to question the accuracy of the numbers as to what they represented, as to whether they accurately represented what went on in the Department of Education in 1999.

They call these material weaknesses. Some might say, it is a material weakness, but you have the statements. What are you worried about?

What I am worried about is that if this would happen in the private sector, if there were a company that was listed on NASDAQ, a publicly-held company, and they came back and said, here is what our auditors say about our books, we asked the auditors what would happen.

They said, this would be a huge problem, because what you would be telling your shareholders is, we cannot really tell you what your investment is worth because your earnings per share, your costs, your net worth, and all of those types of things, are not accurately reflected in the statements. Most likely what would happen is that the trading of the stock would be suspended until the company could get its financial house in order.

In 1998, the books cannot be audited. In 1999, a failed audit. What the Department and what the other people told us is that the reason they are failing their audits is because they do not have systems, automated systems, in place that provide protections that indicate that the way you are spending the money is an accurate reflection of actually what is really happening.

How does this then manifest itself? How does this make a difference to the people back in Michigan, the people back in Colorado, or whatever? It is kind of like, well, the money is coming out of Washington. It is getting to my schools, right? If they are just a little off on their numbers, what are you worried about?

Number one, I am worried about it because it is $35 billion. It is a lot of money. The second thing that I am worried about is, coming from the private sector background, we know that when we have an organization that does not have the correct systems in place to manage its business and its activities, we are creating an environment that is ripe for fraud and abuse, inefficiency, ineffectiveness, and mistakes.

Do we see any of that in the Department of Education? Here are just some recent examples: In 1998, duplicate payments. What did we see in 1999? In December, because their fiscal year starts on October 1 of 1999, they had duplicate payments in 1998, they had them in 1999, and they have had them in this current fiscal year. They had them in December and January of what would be their fiscal year 2000. Duplicate payments are continuing.

Sloppy management leads to mistakes. The Department, for student loan applications, printed 3.5 million forms incorrectly. They need to be scrapped. We know there is fraud in the student loan program. The auditors have reported that as they have tried to work with the Department of Education to try to identify how this money got into this grant back account, this $594 million, and they have asked for the backup data. The Department of Education still cannot provide the appropriate backup data to say how money flows in and out of this account.

Fraud? In our hearing on March 1, the IG, Inspector General, and the Department of Education indicated that they have, and we cannot go much beyond this, but they currently have a vigorous investigation that is ongoing to investigate the theft of computers within the Department; that the controls for maintaining their capital assets, for the purchasing of computers, technology, software, that the controls were not in place to enable the Department to track and monitor its computer equipment, so they currently have a vigorous investigation that is ongoing.

Perhaps one of the most disappointing things that indicates how sloppy management, failed audits for a $35 billion agency, translates itself into having an impact on an individual within one of our districts, here is an example of what happens when we have sloppy management and we do not have good controls in place.

The Jacob Javits scholarship program, this is a program that is awarded to students who are graduating from college and provides them with the opportunity to continue their work in graduate school, it can be up to a 3- or 4-year program, and in some cases providing benefits to the students of up to $30,000 per year, because there is a living stipend along with an agreement to pay for the student's tuition.

So we have these students out there. They see this Federal program out there, a Federal scholarship program, the Jacob Javits scholarship program. They are going to go out and compete for it. I know what is going on because I have an 18-year-old at home who is looking at going to college next year, and she is competing for some scholarships.

I know the excitement on her face when I call her at night and she says, hey, Dad, I just got notified last night that if I go to XYZ college, I have a $3,500 scholarship for each of the next 4 years. She is excited. She feels great. I feel great because it means that maybe my investment will be a little bit less, but she is excited because of the recognition that institutions and others have made on her achievements.

What happened with the Jacob Javits scholarship this year? Failed audits, $35 billion, an agency that does not have proper controls in place, how does it affect these students applying for the Jacob Javits scholarship program?

It was not all that long ago, in the last few weeks, that 39 students, college students who had applied for one of the nicest and most plum scholarships that one could get, 39 students were notified that they won the Jacob Javits scholarship. The bad news is that two or three days later, these students were notified and were told, sorry, it ain't so. Really, you didn't qualify. You didn't win the award. You have really just been selected as alternates, and if some of the real award winners have gotten other scholarships or have decided they are not going on to graduate school at this time or whatever, then you are in line to be eligible for a Jacob Javits scholarship.

Can Members imagine these 39 young people and the excitement that they must have felt on the day they got the call that said, you have qualified for a 3- or 4-year scholarship of $30,000 per year? It is like, yes, the work that I have done for the last few years has been recognized and the dream that I have for the next 3 or 4 years of continuing my education has been realized, and all of a sudden, you are knocked off the pedestal and your dreams are shattered when someone calls you back and says, I am sorry, we made a mistake. You really did not qualify.

Now, the Department of Education is going to make it right. They are going to provide these students with the scholarships that they promised them. That is probably the right thing to do. But the problem is, they do not have the money to do it. They award *x* number of scholarships because that is how much money they have. If they are now going to give 39 more, they are going to have to come up with this money from someplace else. They are probably going to come back to Congress and say, well, it is only $1 million.

Yes, for Jacob Javits, it is only $1 million. But how much have the duplicate payments cost? How much have the 3.5 million forms that were printed incorrectly, what has that cost us? What has the computer theft within the Department, what has that cost us? What is the cost of the fraud in the student loan program? What is the cost of the grant back account?

What we are finding here is that this is an agency that gets some of the most important dollars and is focused on one of the most important issues that we are dealing with in Washington, and they are not meeting the basic test. They cannot keep their books, and they cannot even tell the students which ones received a scholarship and which ones have not qualified.

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The bottom line when one takes a look at the Department of Education is that, what this is, and we ask ourselves the question, is this an agency that educates kids? How many kids are enrolled in schools run by the Department of Education? Zero. The Department does not educate kids. The Department does not run any schools.

What the Department does is it distributes roughly $35 billion around the country. What we are now finding is that, after the last 2 years, and based on the feedback from the external auditors, that for at least the next 2 years, there is a high probability that they will fail their audit for 4 years in a row.

What the Education Department is, it is not a school educating our kids, it is a bank, it is a financial institution; and it is not doing that job very well. It is failing some of the basic tests. It is failing some of the basic tests at a time when the Education Department should be one of the most exciting places to work in in Washington.

Why do I say that? I say that because of the hearing that we had on Friday. The hearing on Wednesday was an absolutely miserable hearing where the Department of Education came in and told us that their books could not be audited. On Friday, we met some people where the rubber hits the road. These are the people who are running some public schools, in this case, they were running charter schools, in Los Angeles, in Colorado, and in Washington, D.C.

To listen to what they are doing in their communities, in Los Angeles, this is a group of teachers and administrators that went out and said, we are going to take this school, and we are going to turn it into a charter school. It is going to free us up from some of the bureaucratic red tape and the rules and regulations that just encumber, at least in that case, encumber them from achieving what they wanted to get done in their local schools.

What did they do? They went in, they formed their charter school, and their kids' test scores have improved. They used to have a high turnover rate. The families would move and the kids would just transfer from one public school to the other. Families are still moving. But the kids in some cases now are traveling an hour to go to this school because of the results that they are getting. Significant improvement in the test scores and in the performance of the students in these schools.

It is the same story in Colorado, and it is the same story that we have heard about Washington, D.C. Committed teachers, committed administrators, committed parents, and committed communities going out and making a difference in their kids' lives.

The other exciting thing is, in many cases, they are all breaking the mold of education for their kids. In Los Angeles, again, they have embraced technology. The computer-student ratio in this school is one to one in the seventh grade. They are taking new models of learning for their kids.

One can see the interaction as these individuals who are running these schools, as they were talking to each other, and as they were sharing with the panel, the excitement that they felt as the woman from Los Angeles was talking about the one-to-one computer-student ratio, as she was talking about the learning that was going on, as she was talking about the improved test scores, and how kids were commuting up to an hour to come to that school.

One could see the excitement and the enthusiasm in the other two as they were saying, when we leave here, I have got to call her and find out exactly what she is doing because I think there are some things that I can maybe learn from her that I might want to take and put into my charter school.

Then as the other two talked about the programs that they were running, the woman here in Washington, D.C. talking about the 15, the 20, the 30 students that they take to Cornell in the summer because, for many of these kids in this neighborhood, going to a prestigious school never even was a dream that they could think about. It was the impossible dream. It was the impossible dream because they could not even think about escaping the environment they were in or believing that, when they graduated from school, when they graduated, that those kinds of opportunities would be available to them.

Now, what they are doing is they are going there for a week in the summer, and they are experiencing it, and they are also learning that, when they go, they are knowing they have got the background, the knowledge that they have completed the learning that will enable them to be successful when they graduate from high school, that they can dream about going to Cornell, that they can dream about going to some of our prestigious universities, or they can just think about going on to college.

They will know that, when they get there, they will be successful. That is what education is about. I think, as we take a look at the Education Department and where it needs to go, I think there are some things that we need to recognize, that there is a role for a Department of Education.

But what the role of the Department of Education should not be is distributing dollars and managing dollars. We do not need an agency that is just distributing and trying to be a bank and not doing a very good job.

What we need is we need a Department of Education that can be a resource to the types of individuals that testified at our committee on Friday, that they can be a resource so that, as people at the local level either are dealing with challenges, opportunities, or have some significant breakthroughs, that they can communicate with the Department of Education and say, you know, we just did this great program, we have got a great model for integrating technology into the classroom for seventh graders, here is how we are doing it, you know, please share this with other schools so that, if they have got some questions or comments, we have got a great resource here.

Or if they have got a great challenge that they are facing, perhaps the community, the face of the community is changing, and the school board or the administrators are struggling with how do we change this or how do we face this changing face of the community, how do we deal with it in our schools, that they can go to the Education Department and say, you know, have you got other school districts that have faced these kinds of challenges or these kinds of issues that we can talk to, not for them to tell us what to do, but that we can talk to them, and they can tell us what they tried, what worked, what did not work, so that, as we design a school and a school system that meets the needs of our community, we can learn from others that have already done that. An Education Department that funds basic research in to learning.

We see a lot of the people now talking about how technology can impact the learning process. Have we fully researched the broad, new avenues of learning that technology opens up for us? I do not think so. But that is an area where Department of Education, perhaps through grants to the private sector or whatever, can foster the basic kind of research so that, as schools are contemplating integrating technology, they can go somewhere and get the latest research that says, if you are going to try to teach reading in this kind of environment, here is how perhaps you can integrate technology. Here is how you can use technology for math. If you have got a problem with class size, maybe technology can deal with an issue of large class size.

So there is a wonderful role and a potential role for the Department of Education to kind of like become the National Institutes of Health, a research-based, a learning organization that is on the cutting edge that others can learn from and that others can take the research and apply to their learning opportunities in their local community.

What a different vision for a Department of Education that is a cutting edge, research-based department that helps local parents and school administrators learn, learn about how most effectively to teach our kids.

That I think is a future vision for the Department of Education, compared to

a Department of Education today which has $35 billion per year going through it along with another $80 billion to $85 billion in student loans; and what they actually cannot do is keep their books. An organization that consistently is failing their audits versus one which is on the cutting edge, which is a breakthrough type of agency.

There is a role. It is time to reform that role. Why is it time to reform that role? It is time to reform that role, number one, because the current model is broken. The other is that we are not doing nearly well enough with our kids' education.

The TIMS study, this compares our kids with kids on an international basis in the 12th grade. How do our kids rank? In math, out of 21 countries, our proficiency, we are 19th out of 21. That is not good enough. I spent a lot of time going to high schools and different schools throughout the district over the last 9 months. Actually, I have been doing it much of the time I have been here in Washington.

But when looking at these kids, they want to learn, they want to be successful, and they are going to be competing against other kids from around the world as they enter the job market.

What is their vision about their educational system? Being 19th out of 21 is not good enough for them. Whether we are in the Bronx in New York, and we have had hearings in 19 different States with our Education at a Crossroads Project, whether one is in the Bronx, whether one is in Cleveland, whether one is in Milwaukee, whether one is in Muskegon, Michigan, whether one is in L.A., whether one is in Albuquerque, these kids all have the same vision. They want to be number one, not selfishly, but what they want to have is they want, as they are going through the education process, they want to be the best educated kids in the world; that when we put them through a battery of tests on math or reading or any other kind of measurement, they want to be at the top. Because they know that, if they are not at the top, they may not be prepared to compete in a global economy.

The TIMS study for reading, how did we do in reading? We did better than what we did in math. In math, we were 19th out of 21. In reading, we moved all the way up to 16. We were 16th out of 21 countries.

What else is going on? We know that at the fourth grade in reading, 38 percent of our kids are below basic. In eighth grade, 26 percent are below basic skills. At 12th grade, still 23 percent are below basic. That means that they have not achieved what we consider the basic skills necessary or required at that level.

How about in math? In the fourth grade, 36 percent of our kids are below basic. In the eighth grade, 38 percent of our kids are below basic. By the 12th grade, we are still at 31 percent, or roughly one out of every three of our kids are below basic levels.

That means we are in danger of losing almost a third of our kids because we have not provided them with an environment of academic excellence that will allow them to achieve, not only at the basic, but well beyond the basic. Thirty-one percent of our kids at the 12th grade in math are still below basic.

Is it any wonder that, as we have gone around the country with our hearings, Education at a Crossroads, that one of the fastest growing programs in our colleges is remedial education. We talk to different college administrators, and it struck me when we started this process 3½, 4 years ago, some of the first hearings that we had where the college administrators came in and they said, you know, whatever you do, do not cut out remedial education. If anything, we need more money for remedial education. They told us that in California. They told us that in Arizona. They have told me that in Michigan.

Finally, one kind of steps back and says, you know, why do you need remedial education? These are kids that you have accepted into your college programs. What is the need for remedial education for kids going into college?

The answers come back reflecting the test scores. Well, 23 to 25 percent of the kids coming into college are not proficient in reading at 12th grade proficiency when we get them. So we need to catch them up in reading. A third of the kids coming in are not at 12th grade proficiency for math. So what we have to do is we have to catch them up. Those are roughly the numbers. Roughly somewhere between a quarter and a third of the kids entering college have to go through some type of remedial education.

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So we are seeing the standards. We are seeing how our educational system and our students are stacking up. On an international basis, we rank 19 out of 21 in math and rank 16 out of 21 in reading. And then, as we compare our kids to a standard that we have established for reading and for math, we consistently find that by the 12th grade we are still having a quarter to a third of our kids leaving our high schools without basic proficiency in reading or math.

It is not good enough. And the Washington response has been an education department that does not give our people at the local level a lot of information about how to improve their systems. It just funnels money back and forth and ties a lot of strings and a lot of red tape to it. It is not working.

Washington has hundreds of programs in the education area, each of these going back to a local level, telling people at the local level that if they want this money this is what they need to do. These are the forms that need to be filled out so that we can see that you actually did what we said had to be done. And, by the way, at the end of the year we will send an auditor in to make sure your books are auditable even though ours cannot be.

There is a better way to do it. We talked about one of the elements of a new vision for an education department and a reformed education department, which is that we have an education department that is a leading-edge educational department; that it can identify best practices so that it can be a resource to parents, teachers and administrators at a local level.

What is another part of our vision? Another part of our vision says that perhaps we can increase funding not by spending more but by being more efficient in how we spend it. What if instead of having 200 or 300 K through 12 education programs in Washington that really control how local schools are run, what about consolidating some of those programs and giving States and local schools a tremendous degree of flexibility in how they can spend those dollars and on what programs and in what areas they will spend those dollars?

By consolidating, perhaps we can save 5 percent of the dollars that we spend on education and ensuring, in the process, that rather than spending this 5 percent here in Washington, we spend 5 percent where the real leverage point is; that we spend 5 percent in the classroom, with a teacher that knows our children's names. That is one reform that we can make: getting more money out of Washington and getting it into the classroom with a much higher degree of flexibility.

A second thing that we can do is eliminate some of the red tape. As I said, when we have all these programs, local school districts have to find out about the programs, they have to apply for the programs, then they have to report back, and they have to be prepared to be audited. What if we can cut out some of that red tape and some of that bureaucracy through that process and give those local schools a whole lot more flexibility.

And, really, what we are going to be focusing on will not be on the process of how they spend the dollars; we will not focus on the process of did they do the right reports at the right time and get the money back and report everything correctly. But what we are going to do is we are going to focus on whether they actually improved the learning of the students in their school. Has their performance improved or has their performance declined or has it stayed the same? Where we still have young people at 31 percent below basic in math, where we have 23 percent below basic in reading, are we turning out students where we have 95 percent at basic or above in both reading and math so that we are not letting kids fall behind?

Let us focus not on the process. It is time to focus on the results. We should not have a department focused, and we, as a Congress, should not be focused on telling local schools what to do. We

ought to be talking to States and local school districts and holding them accountable for what they have achieved. Because this is not about managing process. If it is, we know this education department cannot do it. This is about something much more important. It is about educating our children.

So we give the schools more flexibility, and we eliminate the red tape, which gets more dollars into that local classroom. And from a practical sense, what does this mean? It means that a school, rather than getting money for class-size reduction or hiring teachers and getting another pot of money for technology, getting another pot of money for some school construction or school modification, getting some other money for the arts, getting some other money for some other kind of training and these types of things, it is giving the money to the States and to the local schools and telling them that if they need to focus on technology, if they think technology is the answer, that we will give them the flexibility to improve the technology within their school.

That may be exactly what some of the schools in my congressional district would need, and they would have the flexibility to go out and do that. For others, they might say that they have invested in technology; but when they did, they found out that what they really needed to do, in addition to that, but they do not have the money to do it, is they need to invest in teacher training so that they could use these tools to be most effective with our kids. Let them use the money for teacher training.

If they need to use some of the money for school construction, let them use the money for school construction. But allow them the flexibility of designing the programs that are most effective for the problems, the issues, and the opportunities that they have in their local schools. Because this is about our kids. It is not about process. It is not about the education department. This is about how do we get the maximum impact in learning for our kids.

Are we going to get it by mandating from Washington and controlling from Washington; or is it going to be by continuing to invest in education through Washington, through an education department, but allowing a great degree of latitude and flexibility to the people at the local level? The local people know our kids' names, they are the people that know the school, the problems, the opportunities, and the issues that they face. The local people know the neighborhoods, know the communities, knowing exactly, maybe not exactly, it is not a science, but the local people will have the best idea as to how they could improve education in their local community.

And if they then had a resource of a Department of Education where they could go to for best learning practices or best teaching practices, what a great partnership that might be. Local decision-making; research-based data and information to empower people at the local level to make the best possible decisions for our kids.

It is not an issue about money. We have spent and invested a lot of money in education over the years. This is a question of how we invest that money most effectively. Not even necessarily most efficiently, although that would be nice, but how do we invest it most effectively. Do we invest it through a Washington-based model or do we invest it through a locally based model?

The difference was so striking last week. The Washington-based model, with quality individuals working at the Department of Education, who have the best interests of our kids in mind, but for the second year in a row cannot even be held accountable for how they spent these education dollars on our kids. Compare that picture with the education department who cannot even take the time to put in place the policies, the procedures and the practices to track $35 billion. Compare that to the caring and the passion that we saw on Friday where we had these individuals coming in and talking about what they were doing, improving test scores; integrating technology; reclaiming their kids; reclaiming their neighborhoods; and making a difference in their communities.

There was a concern demonstrated in attention to detail. A Department of Education that does not have the right policies and practices in place sends out erroneous information to 39 young people telling them they have a scholarship, when they really did not and then has to call them back, versus the local decision-making where the people that we saw last Friday are concerned about each and every child in that school and making sure that each and every one of those children is going to be successful, and doing what needs to be done to ensure that that is the result, forming the partnerships with business leaders, forming the partnerships with parents to make a real difference in their communities and these children's lives.

It is a really sharp contrast; a department that erroneously identifies scholarship winners, a department that makes duplicate payments, a department that prints forms wrong, a department that currently has a vigorous investigation into computer theft, a department that has fraud in a student loan program, and a department that has an account with over $500 million in it, or at least in 1998, that they cannot tell us how it got there or where it is going.

Then compare that to the passion that, in many cases where these are charter schools, they are facing a lot of odds against their success. They have to build those schools. They do not get construction dollars. They just get their per-pupil funds. And in many cases they do not even get all the Federal dollars. The Federal dollars do not follow these students. But in each one of these cases, they are people passionate for what they are doing in their communities.

I think the final element of a reform package in education is reforming the Department of Education into a research-based learning think tank that is a resource to the rest of the country, freeing up dollars within the bureaucracy to invest in our kids. So taking money out of Washington and putting it back in the classroom, that is the second step. The third step is taking money out of the process and moving it back to the local level, out of the red tape. And the fourth part is investing more in education by providing parents and businesses the opportunity to take credit, tax credits, for investing in education.

There is a formula for improving education, but it is taking decision-making out of Washington and moving it back to parents and local school districts where we can really make a difference.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of my special order and the special order of the gentleman from Texas (Mr. GREEN).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

GLOBAL HEALTH ACT OF 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes.

Mr. CROWLEY. Mr. Speaker, today, we here in the United States, and throughout the world, are celebrating International Women's Day.

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Unfortunately, too many women in the world today have no cause for celebration. Nearly 600,000 women die each year from complications of pregnancy and child birth. That is one woman every minute. Of these deaths, 99 percent take place in the developing world, where maternal deaths account for up to one-third of all deaths of women of child-bearing age.

According to the World Health Organization, for every maternal death that occurs worldwide, an estimated 30 additional women suffer pregnancy-related health problems that can be permanently debilitating. A woman's lifetime risk of dying from pregnancy-related complications or during child birth can be as high as one in 15 in developing countries, as compared to one in 7,000 in developed countries.

Mr. Speaker, more than 150 million married women in developing nations

still want to space or limit child bearing but do not have access to modern contraceptives. Yet, Mr. Speaker, despite these startling estimates, the U.S. commitment to women's health remains woefully inadequate. And that is why I, along with 22 other colleagues, have introduced legislation to increase the U.S. commitment to women's health by $300 million as part of a legislation known as the Global Health Act of 2000.

Mr. Speaker, H.R. 3826, the Global Health Act of 2000, authorizes additional resources to improve children's and women's health and nutrition, provide access to voluntary family planning, and combat the spread of infectious diseases, particularly HIV/AIDS.

Only the Global Health Act represents a comprehensive, balanced approach that builds upon proven existing programs to increase the U.S. commitment to go balance health as effectively as possible.

Over 100 groups, such as the Global Health Council, Save the Children, the Salvation Army World Services, and the Global AIDS Action Network support the Global Health Act 2000.

Mr. Speaker, in August of 1999, my constituents were shocked to learn that an outbreak of West Nile-like encephalitis had surfaced for the first time in the western hemisphere in the heart of my congressional district in Queens and the Bronx. This outbreak was a wake-up call for every American, not just New Yorkers. It illustrated that the Global community has truly become a local community.

As demonstrated by HIV/AIDS, West Nile-like encephalitis and tuberculosis, a disease, Mr. Speaker, respects no borders. An outbreak in Africa, Europe, Asia, or South America can travel to U.S. shores within days. No longer can diseases occurring in far-off lands be ignored. They pose a direct threat to the national security of our great country and must be addressed by the U.S. Government, this Congress, and the international community as a whole. Diseases cannot be seized by Customs, and they do not apply at the U.S. Embassy for a visa. The only way to stop them is to target them at their source.

The Global Health Act recognizes this and emphasizes the interconnectiveness of global health by calling for increased funding for child survival, women's health and nutrition, reducing unintended pregnancies, and combatting the spread of other infectious diseases. It also calls for increased coordination between the different government agencies administering health programs.

Mr. Speaker, with the resources provided under the Global Health Act and the assistance of other nations, we can make a profound difference in the health and well-being of millions of the world's poorest citizens, especially women, and protect our own national security at the same time.

We are the greatest power the world has ever known. We cannot continue to keep our head in the sand on this international issue. We have to recognize that we do not live in a cocoon. We can tackle this problem as a Nation and as a world, but first we have to face up to it.

I had the great opportunity this afternoon to meet with the present Miss Universe. Her name escapes me at this time. But she is from Botswana, Africa. She came to talk to me today about the bill that I am sponsoring, the Global Health Act 2000.

To lend her voice in support, I know that she met with a number of Members of the House today, I believe also Members of the Senate, to bring attention, much needed attention, to this issue. She spoke personally to me about her homeland and about her home continent.

She is headquartered today in New York. She sees it and I view it myself as the headquarters of the world. We will not say the capital of the world, but certainly it is the headquarters of the world. It is convenient in that it is the home to the U.N. But also, New York at times can command international attention.

We are happy that she is in New York working on this very, very important issue and, at the same time, sparing some time from her busy schedule to come down here to Washington to lobby Members of the House and the Senate on this important issue to get their support. We need more support for this legislation. I hope we can all keep this in mind as we observe today International Women's Day.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for this opportunity to address an issue deserving of much attention by the international community and especially the U.S. government. In honor of International Women's Health Day, I believe it is especially relevant for us to reaffirm our commitment to global health.

I urge my fellow Members today to support the legislation that recognizes the overwhelming problem of the spread of infectious diseases across the world.

Children are suffering as we speak. More than 10,000,000 children under 5 years of age die annually in developing nations from preventable causes.

As founder and Co-Chair of the Congressional Children's Caucus, I must emphasize the tragic circumstances of children across the world.

As a Cosponsor of this legislation, I must stress the need for the Congress to increase our commitment to global health.

Global Health concerns all persons, American citizens included.

The CDC alone cannot stop the spread of disease worldwide and although imposing, Customs cannot seize diseases at country checkpoints. So we must not allow ourselves to assume that outbreaks in other countries will not affect Americans also.

Infectious diseases such as HIV/AIDs and malaria are of the type that must be continually monitored and studied in order to prevent future outbreaks.

Investing in global health will help prevent the spread of these types of diseases because it is a preventative measure and we all know that prevention is the best method of elimination.

Over 100 national organizations support our commitment to global health, which should signal to any skeptic the national appeal of this legislation.

Organizations such as Save the Children, the Salvation Army, and the Global AIDS Action Network are the type that all party member can recognize as being committed to the health of all notwithstanding their ethnic or religious affiliation.

In this Congress today, we will be continuing the debate over whether prescriptions can be included for Senior Citizens under a health insurance plan called Medicare, yet most persons across the world do not even have basic health coverage.

This is an issue that should cut across partisan lines. What we are asking for today simply is funding to provide such basic health coverage such as immunizations, reproductive health services and educational programs informing families about proper nutrition and infant care.

Furthermore, this legislation would assist in preventing the spread of HIV/AIDS, which has become the world's leading infectious disease threat, with 34,000,000 people infected worldwide.

This disease is spread between Children also. Daily, more that 7,000 new cases occur each day in people between the ages of 10 and 24.

An investment of an additional $1 billion dollars for global health for such a wealthy nation is not too much to ask for the survival of the people in this world.

Over 13 million die annually from preventable or curable diseases and we must not be so isolationists to believe that this number does not include American as well. Let us make the commitment to invest in global health—our health. This is a subject that can no longer to ignored.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCINTYRE).

HONORING UNIVERSITY OF NORTH CAROLINA AT WILMINGTON MEN'S BASKETBALL TEAM

Mr. MCINTYRE. Mr. Speaker, I rise today to honor the University of North Carolina at Wilmington men's basketball team for their tremendous accomplishment this week. Their spirit and determination throughout the entire season has been an inspiration to all of us and especially the young people everywhere.

This past Monday, the UNCW Seahawks defeated the University of Richmond 57–47 to win the Colonial Athletic Conference Tournament for the first time in school history. This is truly an amazing achievement for coach Jerry Wainright and the entire Seahawk team. UNCW was the number four seed in the CAA tournament and had to defeat the number one ranked team just to make it to the finals. The Seahawks will now embark on a new journey, playing in the NCAA tournament for the first time ever.

Throughout the year, the Seahawks have represented the students and faculty of UNCW well by sticking together and demonstrating good sportsmanship. Jerry Wainright, the coach, has

instilled in his players the ethic of dedication, sacrifice, and teamwork in the pursuit of excellence, following the rules, and instilled in the rest of us in this Nation a sincere and renewed appreciation of what it means to win with dignity and integrity.

I am sure that the Seahawks will demonstrate these important characteristics on the national stage as we all get ready for the March madness of the NCAA basketball tournament.

I hope my fellow colleagues will join me in congratulating this extraordinary group of young men and their coaches, parents, and classmates and others who support and cheered them on and made this year a special year to them and their example to others.

Congratulations to the Seahawks.

Mr. CROWLEY. Mr. Speaker, reclaiming my time, I just want to point out, for the record, that I know a number of Members have submitted statements on behalf of the bill that I spoke about this evening, the Global Health Act of 2000, including the gentlewoman from Texas (Ms. JACKSON-LEE). She has submitted statements. I want to thank the gentlewoman and the other original cosponsors of the original Global Health Act 2000, H.R. 3826.

BILATERAL AGREEMENT ON ACCESSION TO WORLD TRADE ORGANIZATION WITH PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–207)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Last November, after years of negotiation, we completed a bilateral agreement on accession to the World Trade Organization (WTO) with the People's Republic of China (Agreement). The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade. It is clearly in our economic interest. China is concluding agreements with our countries to accede to the WTO. The issue is whether Americans get the full benefit of the strong agreement we negotiated. To do that, we need to enact permanent Normal Trade Relations (NTR) for China.

We give up nothing with this Agreement. As China enters the WTO, the United States makes no changes in current market access policies. We preserve our right to withdraw market access for China in the event of a national security emergency. We make no changes in laws controlling the export of sensitive technology. We amend none of our trade laws. In fact, our protections against unfair trade practices and potential import surges are stronger with the Agreement than without it.

Our choice is clear. We must enact permanent NTR for China or risk losing the full benefits of the Agreement we negotiated, including broad market access, special import protections, and rights to enforce China's commitments through WTO dispute settlement. All WTO members, including the United States, pledge to grant one another permanent NTR to enjoy the full benefits in one another's markets. If the Congress were to fail to pass permanent NTR for China, our Asian, Latin American, Canadian, and European competitors would reap these benefits, but American farmers and other workers and our businesses might well be left behind.

We are firmly committed to vigorous monitoring and enforcement of China's commitments, and will work closely with the Congress on this. We will maximize use of the WTO's review mechanisms, strengthen U.S. monitoring and enforcement capabilities, ensure regular reporting to the Congress on China's compliance, and enforce the strong China-specific import surge protections we negotiated. I have requested significant new funding for China trade compliance.

We must also continue our efforts to make the WTO itself more open, transparent, and participatory, and to elevate consideration of labor and the environment in trade. We must recognize the value that the WTO serves today in fostering a global, rules-based system of international trade—one that has fostered global growth and prosperity over the past half century. Bringing China into that rules-based system advances the right kind of reform in China.

The Agreement is in the fundamental interest of American security and reform in China. By integrating China more fully into the Pacific and global economies, it will strengthen China's stake in peace and stability. Within China, it will help to develop the rule of law; strengthen the role of market forces; and increase the contacts China's citizens have with each other and the outside world. While we will continue to have strong disagreements with China over issues ranging from human rights to religious tolerance to foreign policy, we believe that bringing China into the WTO pushes China in the right direction in all of these areas.

I, therefore, with this letter transmit to the Congress legislation authorizing the President to terminate application of Title IV of the Trade Act of 1974 to the People's Republic of China and extend permanent Normal Trade Relations treatment to products from China. The legislation specifies that the President's determination becomes effective only when China becomes a member of the WTO, and only after a certification that the terms and conditions of China's accession to the WTO are at least equivalent to those agreed to between the United States and China in our November 15, 1999, Agreement. I urge that the Congress consider this legislation as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

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NATIONAL MONEY LAUNDERING STRATEGY FOR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Judiciary and Banking and Financial Services:

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105–310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 376, THE ORBIT ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–514) on the resolution (H. Res. 432) waiving points of order against the conference report to accompany the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1695, IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–515) on the resolution (H. Res. 433) providing for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3081, WAGE AND ECONOMIC GROWTH ACT OF 1999, AND PROVIDING FOR CONSIDERATION OF H.R. 3846, MINIMUM WAGE INCREASE ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–516) on the resolution (H. Res. 434) providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and providing for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. GRANGER (at the request of Mr. ARMEY) for after 3 p.m. today until March 14 on account of personal reasons.

Mr. LATOURETTE (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today and March 9 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCHUGH, for 5 minutes, March 13, 14, and 15.

Mr. MORAN of Kansas, for 5 minutes, March 14.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. HERGER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, March 14.

Mrs. MORELLA, for 5 minutes, March 9.

Mr. COLLINS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6479. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon; Pesticide Tolerance [OPP–300978–FRL–6492–7] (RIN: 2070–AB78) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6480. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diclosulam; Pesticide Tolerance [OPP–300977; FRL–6492–3] (RIN: 2070–AB78) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6481. A letter from the Department of Defense, transmitting notification that the Commander of Elmendorf Force Base (AFB), Alaska, has conducted a cost comparison to reduce the cost of the Telephone Switchboard Operations function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6482. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Chronic Beryllium Disease Prevention Program [Docket No. EH-RM–98–BRYLM] (RIN: 1901–AA75) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6483. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices: Reclassification of the Penile Rigidity Implant [Docket No. 97N–0481] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6484. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Utilization of Small, Minority, and Women's Business Enterprises in Procurement Assistance Agreements—received February 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6485. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Recovered Materials Advisory Notice III [SWH-FRL 6524–3] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6486. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 2000 Grant Funds for the Support of a Pollution Prevention Information Network [OPPTS–00280; FRL–6391–3] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6487. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 1998 Multimedia Environmental Justice Through Pollution Prevention Grant Funds [OPPTS–00230; FRL–5766–1] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6488. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 1999 Multimedia Environmental Justice Through Pollution Prevention Grant Funds [OPPTS–00273; FRL–6085–8] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6489. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPTS–00251; FRL–6037–9] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6490. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Justice Through Pollution Prevention Grant Guidance 1999 —received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6491. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Incentives for Tribes Grant Guidance—received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6492. A letter from the Director, Office of Regulatory and Management Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Revisions to the Georgia State Implementation Plan [GA44 & GA36–9948a; FRL–6547–4] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6493. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Optional Certification Streamlining Procedures for Light-Duty Trucks, and Heavy-Duty Engines for Original Equipment Manufacturers and

for Aftermarket Conversion Manufacturers; Final Rule [AMS-FRL–6545–7] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6494. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—180–Day Accumulation Time Under RCRA for Waste Water Treatment Sludges From Metal Finishing Industry [FRL–6547–6] (RIN: 2050–AE60) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6495. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation Number 37–NOx Budget Program [DE046–1022a; FRL–6547–9] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6496. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Qualtiy Implementation Plan; Connecticut, New Hampshire, and Rhode Island; Approval of National Low Emission Vehicle Program [CT–054–7213A; A–1–FRL–6545–9] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6497. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 184–0220a; FRL–6546–8] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6498. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District [CA 179–0178; 6546–6] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6499. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period December 1, 1999 January 31, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

6500. A communication from the President of the United States, transmitting a report to the Congress on cost-sharing arrangements, as required by Condition 4(A) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on International Relations.

6501. A communication from the President of the United States, transmitting a report in connection of Condition (9), Protection of Advanced Biotechnology; to the Committee on International Relations.

6502. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6503. A letter from the Merit Systems Protection Board, transmitting the Board's report for fiscal year 1999 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform.

6504. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea [Docket No. 00119015–0015–01; I.D. 022200C] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6505. A letter from the Assistant Attorney General, Department of Justice, Office of Legislative Affairs, transmitting the Department of Justice's prison impact assessment (PIA) annual report for 1999; to the Committee on the Judiciary.

6506. A letter from the Chief, International and General Law, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels [Docket No. MARAD–1999–5915] (RIN: 2133–AB39) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Changes in Permissible Stage 2 Airplane Operations—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, NC [Airspace Docket No. 00–ASO–7] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6509. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Standard Clause for Export Controlled Technology—received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6510. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Administrative Revisions to the NASA FAR Supplement— received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6511. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Correction of Inconsistency with FAR22.1103—received December 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6512. A letter from the Senior Attorney, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule —Offset of Tax Refund Payments To Collect State Income Tax Obligations— received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6513. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit [TD 8859] (RIN: 1545–AV44) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6514. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty Relief for Certain Taxpayers Affected by Section 571 of the Tax Relief Extension Act of 1999 [Notice 2000–5] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6515. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 2000–4] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6516. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans Determination Letter Procedures [Rev. Proc. 2000–6] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6517. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes [Rev. Rule 2000–3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6518. A communication from the President of the United States, transmitting Action under Section 203(b) of the Trade Act of 1974 Pertaining to the Safegaurd Action that I Proclaimed Today on Imports of Line Pipe; to the Committee on Ways and Means.

6519. A communication from the President of the United States, transmitting Action Under the Section 203(b) of the Trade Act of 1974 Concerning Steel Wire Rod; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 106–513). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 432. Resolution waiving points of order against the conference report to accompany the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes (Rept. 106–514). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 433. Resolution providing for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes (Rept. 106–515). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 434. A resolution providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes (Rept. 106–516). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Ms. BERKLEY, Mr. DIXON, and Mr. WAXMAN):

H.R. 3840. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3841. A bill to amend title 5, United States Code, to make permanent the Federal physicians comparability allowance authority, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. STUPAK, Mr. WOLF, Mr. DAVIS of Virginia, Mr. ACKERMAN, Mr. HOYER, and Mr. GILMAN):

H.R. 3842. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Government Reform.

By Mr. TALENT (for himself, Ms. VELAZQUEZ, Mrs. KELLY, Mr. DAVIS of Illinois, Mr. HILL of Montana, Mr. PASCRELL, Mr. SWEENEY, Mrs. MCCARTHY of New York, Mrs. BONO, Mr. HINOJOSA, Mr. ENGLISH, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. MOORE, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. BAIRD, and Mr. PHELPS):

H.R. 3843. A bill to reauthorize programs to assist small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. POMBO:

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes; to the Committee on Ways and Means.

By Mr. TALENT (for himself and Ms. VELAZQUEZ):

H.R. 3845. A bill to make corrections to the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SHIMKUS:

H.R. 3846. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BEREUTER:

H.R. 3847. A bill to amend the Agricultural Market Transition Act to authorize a program to encourage agricultural producers to rest and rehabilitate croplands while enhancing soil and water conservation and wildlife habitat; to the Committee on Agriculture.

By Mr. BRADY of Pennsylvania:

H.R. 3848. A bill to direct the Secretary of Transportation to enter into an arrangement with Temple University to conduct a study on the impact on highway safety of distractions to drivers operation motor vehicles in the United States; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS (for himself, Mr. WATKINS, and Mr. KINGSTON):

H.R. 3849. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. GORDON, Mr. PICKERING, and Mr. BARRETT of Wisconsin):

H.R. 3850. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce.

By Mrs. CUBIN:

H.R. 3851. A bill to provide an election for a special tax treatment of certain S corporation conversions; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3852. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; to the Committee on Commerce.

By Mr. DEMINT:

H.R. 3853. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3854. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3855. A bill to reduce temporarily the duty on Baytron M; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3856. A bill to reduce temporarily the duty on Baytron C-R; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to provide that no portion of any benefit under a workmen's compensation act shall be treated as a Social Security benefit for purposes of the taxation of Social Security benefits; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3858. A bill to suspend temporarily the duty on iced teas; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. METCALF, Mr. SALMON, Mr. COLLINS, Mr. STEARNS, Mr. COBURN, Mr. RAMSTAD, Mr. SESSIONS, Mr. POMBO, and Mr. NETHERCUTT):

H.R. 3859. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINK:

H.R. 3860. A bill to provide that any visitor's center or museum located in the proximity of or within the boundaries of Gettysburg National Military Park that is constructed or designated as a visitor's center or museum after the date of the enactment of this Act shall be known and designated as the ''George D. and Emily G. Rosensteel Memorial Visitors' Center''; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Ms. WOOLSEY, Mr. SHAYS, Mrs. MINK of Hawaii, Mr. CONYERS, Mrs. THURMAN, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. ABERCROMBIE, Mr. TIERNEY, and Mr. LEVIN):

H.R. 3861. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Education and the Workforce.

By Mr. MCCOLLUM:

H.R. 3862. A bill to amend title 18, United States Code, to prevent certain frauds involving aircraft or space vehicle parts, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. HINCHEY, and Ms. BALDWIN):

H.R. 3863. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. HINCHEY, and Ms. BALDWIN):

H.R. 3864. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture.

By Mr. POMBO:

H.R. 3865. A bill to prohibit the use of Federal funds for any program that restricts the use of any privately owned water source; to the Committee on Resources.

By Mr. ROTHMAN:

H.R. 3866. A bill to reestablish the annual assay commission; to the Committee on Banking and Financial Services.

By Mr. SMITH of Washington:

H.R. 3867. A bill to give control of education back to local communities; to the Committee on Education and the Workforce.

By Mr. BOEHLERT:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Commerce.

By Ms. BROWN of Florida:

H. Con. Res. 268. Concurrent resolution supporting a National Day of Honor for African American World War II veterans; to the Committee on Government Reform.

By Mr. EHLERS (for himself, Mr. THOMAS, Mr. NEY, Mr. BOEHNER, Mr. EWING, Mr. MICA, Mr. HOYER, Mr. FATTAH, and Mr. DAVIS of Florida):

H. Con. Res. 269. Concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities; to the Committee on House Administration.

By Mr. SCARBOROUGH:

H. Con. Res. 270. Concurrent resolution condemning the racist and anti-Semitic views of the Reverend Al Sharpton; to the Committee on the Judiciary.

By Mr. WEYGAND:

H. Con. Res. 271. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; to the Committee on Commerce.

By Mr. MEEKS of New York (for himself, Mr. ROYCE, Mr. GEJDENSON, Mr. CAMPBELL, Mr. PAYNE, Mr. HOUGHTON, Mr. HASTINGS of Florida, Ms. LEE, Mr. CLYBURN, Mr. TOWNS, Mr. WYNN, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mrs. MEEK of Florida, Mr. CUMMINGS, Ms. WATERS, Mr. RANGEL, Mr. CONYERS, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. CROWLEY, and Mrs. MCCARTHY of New York):

H. Res. 431. A resolution expressing support for humanitarian assistance to the Republic of Mozambique; to the Committee on International Relations.

By Mr. SESSIONS (for himself and Mr. PETERSON of Minnesota):

H. Res. 435. A resolution expressing the sense of the House of Representatives that Medicare beneficiaries should have access to outpatient prescription drug coverage; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON (for herself, Mr. SKEEN, Mr. UDALL of New Mexico, and Mr. STUMP):

H. Res. 436. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued commemorating the 75th anniversary of the commissioning of U.S. Route 66; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EHLERS:

H.R. 3868. A bill to provide for the reliquidation of certain entries of vacuum cleaners; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 3869. A bill to provide for the liquidation or reliquidation of certain entries of copper and brass sheet and strip; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 3870. A bill for the relief of Anne M. Nagel; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. NETHERCUTT and Mr. SCHAFFER.
H.R. 59: Mr. BACHUS.
H.R. 73: Mr. DOOLITTLE.
H.R. 88: Mr. KILDEE.
H.R. 175: Mr. TRAFICANT, Mr. ISAKSON, and Mr. BARR of Georgia.
H.R. 218: Mr. SHAYS, Mr. INSLEE, Ms. BERKLEY, Mr. TERRY, Mr. ROYCE, and Mr. SKEEN.
H.R. 372: Mr. SANDERS and Mr. SAXTON.
H.R. 444: Mrs. THURMAN.
H.R. 483: Mr. BONIOR and Mr. EHRLICH.
H.R. 531: Mrs. MINK of Hawaii and Mr. BONIOR.
H.R. 534: Mr. SAXTON, Mr. FRANKS of New Jersey, Mr. ABERCROMBIE, Ms. MCCARTHY of Missouri, and Mr. THOMPSON of California.
H.R. 566: Mr. RAMSTAD and Mr. ANDREWS.
H.R. 568: Mr. BLAGOJEVICH.
H.R. 583: Mr. BARR of Georgia.
H.R. 612: Mr. STRICKLAND and Mr. MCDERMOTT.
H.R. 654: Mr. NUSSLE.
H.R. 688: Mr. ROHRABACHER.
H.R. 701: Mrs. THURMAN, Ms. ROS-LEHTINEN, Mr. MASCARA, Mr. STEARNS, Mr. SCOTT, Mr. WATTS of Oklahoma, Mr. BRADY of Pennsylvania, Mr. DEFAZIO, Mr. HILL of Indiana, and Mr. POMEROY.
H.R. 728: Mr. HUTCHINSON, Mr. HOUGHTON, Mr. ROGERS, and Mr. FLETCHER.
H.R. 730: Ms. HOOLEY of Oregon and Mr. WEINER.
H.R. 745: Mr. TIERNEY.
H.R. 803: Mr. GOODLING, Mr. FOLEY, Mr. ABERCROMBIE, and Mr. BONILLA.
H.R. 804: Mr. KILDEE.
H.R. 829: Mrs. MEEK of Florida, Mr. MCDERMOTT, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. DEFAZIO, Mr. WEXLER, Mr. DAVIS of Illinois, Mrs. TAUSCHER, Mr. HINCHEY, Mr. LUTHER, Mr. BONIOR, Ms. WATERS, Ms. DELAURO, Mr. BERMAN, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. KILPATRICK, Mr. BROWN of Ohio, Mr. ENGEL, Mr. WAXMAN, and Mr. GUTIERREZ.
H.R. 835: Mr. NUSSLE.
H.R. 840: Mr. CUMMINGS and Mr. SERRANO.
H.R. 860: Mr. RANGEL, Mr. SAXTON, and Ms. JACKSON-LEE of Texas.
H.R. 904: Mr. MATSUI, Mr. HOEFFEL, Mr. WELDON of Florida, Mr. WAXMAN, Ms. DEGETTE, Mr. TIAHRT, Mr. DICKS, and Mr. POMEROY.
H.R. 923: Ms. MCKINNEY, Mr. NADLER, and Mr. KENNEDY of Rhode Island.
H.R. 985: Mr. GILLMOR.
H.R. 1001: Mr. SHOWS and Mr. COOK.
H.R. 1044: Mr. COMBEST.
H.R. 1046: Mr. LARSON.
H.R. 1068: Mr. NORWOOD.
H.R. 1071: Mr. DICKS, Mr. MATSUI, Mr. HOUGHTON, Mr. INSLEE, Ms. MILLENDER-MCDONALD, Mr. DOYLE, Mr. MCNULTY, Mr. BISHOP, Mr. BILBRAY, Mr. ROHRABACHER, Mr. BALDACCI, and Mr. POMEROY.
H.R. 1082: Mr. BORSKI.
H.R. 1102: Mr. RYAN of Wisconsin and Mr. REGULA.
H.R. 1109: Mr. PAYNE.
H.R. 1111: Ms. CARSON, Mr. ABERCROMBIE, and Mr. ROMERO-BARCELO.
H.R. 1129: Mrs. CLAYTON.
H.R. 1168: Mr. LATHAM, Mr. WOLF, Mrs. WILSON, and Mr. YOUNG of Florida.
H.R. 1187: Mr. HULSHOF and Mr. ISAKSON.
H.R. 1190: Ms. JACKSON-LEE of Texas.
H.R. 1196: Mr. DIXON.
H.R. 1217: Mr. ORTIZ, Mr. LUCAS of Oklahoma, Mrs. NAPOLITANO, and Mr. BLAGOJEVICH.
H.R. 1227: Ms. LEE and Mr. KUCINICH.
H.R. 1260: Mr. RADANOVICH and Mr. WATKINS.
H.R. 1271: Mr. WATT of North Carolina and Ms. HOOLEY of Oregon.
H.R. 1325: Mr. BARRETT of Wisconsin, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, and Mr. STARK.
H.R. 1354: Mr. STENHOLM, Mr. ORTIZ, Mr. RODRIGUEZ, and Mr. ISTOOK.
H.R. 1367: Mr. LAHOOD.
H.R. 1371: Mr. MCNULTY.
H.R. 1388: Mr. MORAN of Virginia, Mr. GILMAN, and Mr. MCINNIS.
H.R. 1398: Mr. MCINNIS.
H.R. 1413: Mr. ABERCROMBIE.
H.R. 1443: Mr. KUCINICH, Mr. RANGEL, and Mr. OWENS.
H.R. 1452: Mr. JACKSON of Illinois and Mr. BARCIA.
H.R. 1494: Mr. ROGERS and Ms. JACKSON-LEE of Texas.
H.R. 1495: Mr. EVANS and Mr. KLINK.
H.R. 1503: Mrs. EMERSON.
H.R. 1532: Mr. KUYKENDALL.
H.R. 1573: Mr. BENTSEN.
H.R. 1592: Mr. MCKEON, Mr. REGULA, Mr. MARTINEZ, and Mr. LAHOOD.
H.R. 1606: Mr. SESSIONS.
H.R. 1607: Mrs. ROUKEMA.
H.R. 1622: Mrs. JONES of Ohio.
H.R. 1625: Mr. RAHALL, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. GONZALEZ, and Ms. CARSON.
H.R. 1681: Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mr. RUSH, and Ms. MCKINNEY.
H.R. 1747: Mr. OSE and Mr. GUTKNECHT.
H.R. 1785: Mr. OWENS.
H.R. 1796: Mr. MINGE.
H.R. 1824: Mr. DEAL of Georgia.
H.R. 1975: Mr. COX and Mr. KOLBE.
H.R. 1976: Mr. DIAZ-BALART.
H.R. 2102: Mr. POMEROY.
H.R. 2121: Mr. KLINK.
H.R. 2200: Mr. GEKAS.
H.R. 2246: Mr. GUTKNECHT.
H.R. 2263: Mr. RAMSTAD and Mr. REGULA.
H.R. 2264: Mr. RAMSTAD and Mr. REGULA.
H.R. 2265: Ms. BROWN of Florida.
H.R. 2282: Mrs. MINK of Hawaii.
H.R. 2298: Mr. KUCINICH.
H.R. 2308: Mrs. JONES of Ohio, Mr. QUINN, Mr. HOBSON, and Mr. BOSWELL.
H.R. 2382: Mr. CHABOT.
H.R. 2451: Mrs. THURMAN.
H.R. 2498: Mrs. THURMAN and Mrs. NAPOLITANO.
H.R. 2554: Ms. RIVERS.
H.R. 2588: Mr. GREEN of Texas, Mr. FROST, Mr. DEUTSCH, Mr. HILLIARD, Mrs. THURMAN, Mr. SHOWS, Mr. UNDERWOOD, and Mr. WOLF.
H.R. 2631: Mr. KUYKENDALL.
H.R. 2655: Mr. RADANOVICH and Mr. ENGLISH.
H.R. 2686: Ms. NORTON.
H.R. 2738: Ms. LOFGREN.
H.R. 2749: Mr. OSE.
H.R. 2776: Mr. OWENS.
H.R. 2814: Mr. UDALL of New Mexico.
H.R. 2867: Mr. THORNBERRY and Mr. BONILLA.
H.R. 2870: Mr. COYNE, Mr. CRAMER, and Mr. ROMERO-BARCELO.
H.R. 2871: Mr. BARRETT of Wisconsin and Mr. SESSIONS.
H.R. 2892: Mr. ENGLISH and Mrs. CAPPS.
H.R. 2894: Mr. SHOWS.
H.R. 2902: Ms. CARSON.
H.R. 2938: Mrs. THURMAN.
H.R. 2964: Mr. DICKEY.
H.R. 2991: Mr. MCINTOSH.
H.R. 3132: Mrs. NAPOLITANO and Mr. JEFFERSON.
H.R. 3173: Mr. MCINTOSH and Mr. HILL of Montana.
H.R. 3180: Ms. JACKSON-LEE of Texas and Mr. ROGAN.
H.R. 3192: Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. GILMAN, Mr. WAXMAN, Mr. CAPUANO, Mr. EHLERS, Mr. SWEENEY, Mr. OBERSTAR, Mr. BONIOR, Mr. HINCHEY, Mr. PALLONE, Mr. LEACH, and Ms. HOOLEY of Oregon.
H.R. 3193: Mr. HOLT, Mr. HINCHEY, Mr. BENTSON, Mr. BASS, Mr. BARCIA, Ms. HOOLEY of Oregon, and Mr. DIAZ-BALART.
H.R. 3235: Mr. BILBRAY, Ms. CARSON, and Mr. HORN.
H.R. 3239: Mr. GOODE.
H.R. 3241: Mr. SPENCE.
H.R. 3256: Mr. ANDREWS.
H.R. 3299: Mr. TAYLOR of North Carolina.
H.R. 3301: Mr. LAFALCE and Mr. SKELTON.
H.R. 3313: Mr. KINGSTON and Mr. ENGLISH.
H.R. 3320: Mr. UDALL of New Mexico and Ms. DEGETTE.
H.R. 3405: Mr. MARKEY, Mr. ENGEL, Mr. MANZULLO, Mr. MATSUI, and Mr. BEREUTER.
H.R. 3408: Mr. DREIER, Mr. GOODLATTE, Mr. ROYCE, and Mr. CALVERT.
H.R. 3420: Mr. BENTSEN, Mr. OXLEY, and Mr. BOEHLERT.
H.R. 3429: Mr. REYES.
H.R. 3463: Mr. BORSKI.
H.R. 3518: Ms. JACKSON-LEE of Texas and Mr. TAUZIN.
H.R. 3519: Mrs. MORELLA, Mr. WEXLER, Ms. MCKINNEY, and Mrs. JONES of Ohio.
H.R. 3535: Mr. CAMPBELL.
H.R. 3552: Mr. DEAL of Georgia and Mrs. THURMAN.
H.R. 3563: Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. WAXMAN, Mr. LIPINSKI, Mr. CARDIN, Ms. CARSON, and Ms. JACKSON-LEE of Texas.
H.R. 3568: Mr. RIVERS.
H.R. 3571: Ms. CARSON.
H.R. 3573: Mr. EVANS, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. PAYNE, Mr. ROMERO-BARCELO, Ms. SANCHEZ, Mr. WISE, Mr. WEINER, Mr. ROHRABACHER, and Mr. JOHN.
H.R. 3576: Mr. BENTSEN.
H.R. 3578: Mr. COBURN, Mr. GREEN of Wisconsin, Ms. PRYCE of Ohio, Mr. SCHAFFER, and Mr. CHAMBLISS.
H.R. 3581: Mr. KUCINICH, Mr. OWENS, Mr. REYES, Mr. CLYBURN, Mr. SAWYER, Ms. JACKSON-LEE of Texas, and Mrs. THURMAN.
H.R. 3591: Mr. ARCHER, Mr. BATEMAN, Mr. BASS, Mr. BOEHNER, Mr. CASTLE, Mr. COMBEST, Mr. COSTELLO, Mr. CRANE, Mr. DIAZ-BALART, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOSSELLA, Mr. GANSKE, Mr. GREENWOOD, Mr. HANSEN, Mr. HOLT, Mr. HUTCHINSON, Mr. LUCAS of Oklahoma, Mr. MCHUGH, Mr. MCNULTY, Mr. NEY, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. RANGEL, Mr. ROMERO-BARCELO, Mr. RYAN of Wisconsin, Mr. SANFORD, Mr. SHERWOOD, Mr.

SMITH of New Jersey, Mr. TAYLOR of North Carolina, and Mr. TAYLOR of Mississippi.

H.R. 3594: Mr. MCINTOSH, Mr. BUYER, Mr. SHAYS, Mrs. THURMAN, Mr. DEFAZIO, Mr. PHELPS, Mr. GOODLING, Mr. BARCIA, Mr. GILLMOR, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. LINDER, Mr. JONES of North Carolina, Mr. COBURN, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. BAKER, and Ms. RIVERS.

H.R. 3608: Mr. LAFALCE, Mr. GILCHREST, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mrs. MORELLA, Ms. CARSON, Mr. BISHOP, Ms. JACKSON-LEE of Texas, Mr. MINGE, and Mr. SPRATT.

H.R. 3641: Mr. ENGLISH.

H.R. 3682: Mr. HOEFFEL, Mr. SANDERS, and Mr. FRANK of Massachusetts.

H.R. 3686: Mr. CONYERS.

H.R. 3688: Mr. DINGELL.

H.R. 3691: Mr. RILEY.

H.R. 3692: Mr. CHAMBLISS.

H.R. 3695: Mr. SUNUNU and Mr. COLLINS.

H.R. 3698: Mr. CAPUANO.

H.R. 3702: Mr. REYES, Mr. HOLT, Mr. CLEMENT, and Mr. DAVIS of Florida.

H.R. 3705: Mrs. JONES of Ohio, Ms. BROWN of Florida, Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. BECERRA, Mrs. CHRISTENSEN, Mr. BISHOP, and Mr. BALDACCI.

H.R. 3732: Mr. DOYLE, Mr. HINCHEY, Mr. MCGOVERN, Mrs. CAPPS, Mr. BENTSEN, Ms. LEE, Mrs. LOWEY, and Mr. PETERSON of Minnesota.

H.R. 3766: Mr. PAYNE, Mr. YOUNG of Alaska, Mr. KLECZKA, Mr. CLEMENT, Mr. HOLT, Mr. MCGOVERN, Mr. GEKAS, Ms. MILLENDER-MCDONALD, Mr. TRAFICANT, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. VENTO, Mr. HOLDEN, Mrs. MALONEY of New York, Mr. GONZALEZ, and Mr. Peterson of Minnesota.

H.R. 3812: Ms. LEE, Mr. FROST, Mr. PAYNE, and Mr. MCDERMOTT.

H.R. 3825: Ms. MCKINNEY.

H.J Res. 64: Mr. SAXTON.

H.J. Res. 77: Mr. BILIRAKIS.

H.J. Res. 86: Mr. BONIOR, Mr. CLEMENT, Mr. POMBO, and Mr. ENGLISH.

H.J. Res. 90: Mr. CHENOWETH-HAGE.

H. Con. Res. 62: Mr. PRICE of North Carolina, Mr. LARSON, Mr. BACHUS, Mr. LEACH, Mr. WEYGAND, and Mr. RYUN of Kansas.

H. Con. Res. 174: Ms. MCKINNEY.

H. Con. Res. 182: Mr. NUSSLE.

H. Con. Res. 209: Mr. STUPAK, Mr. MINGE, Mr. PASTOR, Ms. LOFGREN, Mr. LAHOOD, and Mr. RAMSTAD.

H. Con. Res. 226: Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mr. CLEMENT, Mr. ANDREWS, and Mr. ENGLISH.

H. Con. Res. 233: Mr. TAYLOR of North Carolina.

H. Con. Res. 238: Mr. DIXON, Mr. ABERCROMBIE, and Mrs. LOWEY.

H. Con. Res. 253: Mr. SAXTON and Mr. KNOLLENBERG.

H. Con. Res. 256: Mr. LAHOOD.

H. Con. Res. 259: Mrs. MALONEY of New York, Mr. TOWNS, Ms. NORTON, Mr. UNDERWOOD, Mr. DIXON, and Ms. HOOLEY of Oregon.

H. Con. Res. 260: Mr. SUNUNU, Mr. LINDER, Mr. CHAMBLISS, Mr. RAMSTAD, Mr. PETERSON of Pennsylvania, Mr. HILLEARY, Mr. EVERETT, Mr. FRANKS of New Jersey, Mrs. BONO, Mr. RILEY, Ms. DUNN, Mr. BACHUS, Mr. DOOLITTLE, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. NETHERCUTT, Mr. KNOLLENBERG, Mr. TAUZIN, Mr. HAYES, Mr. SCHAFFER, Mr. LARGENT, Mr. BALLENGER, Mr. LUCAS of Oklahoma, Mr. ROHRABACHER, Mr. ARCHER, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. MCCRERY, and Mr. MUNZULLO.

H. Con. Res. 261: Mr. MALONEY of Connecticut, Ms. LEE, Mr. MCGOVERN, Mr. LEVIN, Mr. VENTO, and Mr. STARK.

H. Con. Res. 262: Mr. EHRLICH and Mr. LANTOS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 979: Mr. SHOWS.

H. Res. 396: Mrs. CLAYTON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3832

OFFERED BY: MS. BERKLEY

AMENDMENT NO. 1: In section 274(n)(2)(B) of the Internal Revenue Code of 1986, as proposed to be added by section 103 of the bill, strike ''55 percent'' and insert ''75 percent'' and strike ''60 percent'' and insert ''100 percent''.