

and vastly increase the complexity of compliance with the income tax law; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly, That California respectfully urges the Congress of the United States to index the AMT exemption and tax brackets for inflation; and be it further*

*Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, the Chair and ranking minority member of the Senate Finance Committee, the Chair and ranking minority member of the House Committee on Ways and Means, and each Senator and Representative from California in the Congress of the United States.*

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. KERRY, Mr. BAUCUS, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Mr. REID, Mr. KERREY, Mr. TORRICELLI, Mr. CLELAND, Mrs. BOXER, Mr. JOHNSON, Mr. REED, Mrs. MURRAY, Mr. SCHUMER, Mr. BREAUX, Mr. DODD, Mr. LEVIN, Mr. SARBAKES, Mr. LEAHY, Mr. WELLSTONE, Mr. BRYAN, Mr. DORGAN, Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. ROBB, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to modify the provisions of the Balanced Budget Act of 1997; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. KERRY, and Ms. MIKULSKI):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1998; to the Committee on Finance.

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRAIG:

S. 1681. A bill to extend the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 194. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BIDEN (for himself and Mr. KERRY):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1988; to the Committee on Finance.

#### BREAST RECONSTRUCTION IMPLEMENTATION ACT OF 1999

• Mr. BIDEN. Mr. President, I am pleased to introduce the Breast Reconstruction Implementation Act of 1999. This bill amends the Internal Revenue Code to require that all health plans provide coverage for breast reconstruction surgery after a woman has had a mastectomy for breast cancer.

Breast cancer is a frightening disease for women. It is common: a very high percentage of women who live long enough will eventually develop the disease. It is insidious: it can remain asymptomatic for many years before it is discovered. It is stealthy: it can recur many years after it has been thought to be cured. It is devastating: surgical treatment can be not only physically mutilating but psychologically devastating to a woman's sense of femininity and self-esteem. And it is everywhere: there is hardly anyone in this country who does not have a close friend or loved one who has been through an experience with breast cancer.

Fortunately, there has been tremendous progress in the treatment of breast cancer, and many women can now be cured. However, as these breast cancer survivors attempt to resume their normal lives after their treatment, they can still be impacted by the physical damage that follows mastectomy. Breast reconstruction surgery after mastectomy is thus a key part of restoring the breast cancer patient back to a satisfying and fulfilling life; it is not simply a cosmetic procedure to satisfy one's vanity.

In recognition of the importance of breast reconstruction after mastectomy, last year the Senate passed the Women's Health and Cancer Rights Act as part of the Omnibus Appropriations Bill. This legislation, which was signed into law by the President, amended the Public Health Service Act and the Employee Retirement Income Security Act to require that health plans provide coverage for breast reconstruction after mastectomy. This coverage also includes surgery on the unoperated breast, if necessary, as well as the cost of breast prostheses and repair to physical complications following mastectomy (e.g. lymphedema or arm swelling).

However, if we don't pass further legislation, the enforcement mechanisms available to the Department of Labor to ensure that health plans comply with the breast reconstruction requirement are generally limited to requesting a court to issue an injunction. The Breast Reconstruction Implementation Act will incorporate the breast recon-

struction requirement into the Internal Revenue Code in order to enable civil monetary penalties to be imposed on violators of the law. Passage of this bill would continue the precedent established by all previous mandates on health plans (those in the Health Insurance Portability and Accountability Act, the Newborns' and Mothers' Health Protection Act, and the Mental Health Parity Act), which were incorporated into all three statutes: Public Health Service Act, Employee Retirement Income Security Act, and the Internal Revenue Code.

Mr. President, I encourage my colleagues to finish the work that we began last year to ensure that women can be fully restored to health after fighting breast cancer, and I urge them to support the Breast Reconstruction Implementation Act of 1999 that I am introducing today. •

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

#### VETERANS BENEFITS ADMINISTRATION IMPROVEMENT ACT OF 1999

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1680

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Administration Improvement Act of 1999".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.

(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.

(3) While the Veterans Benefits Administration has reported in the past a 95 percent accuracy rate in processing claims, a new accuracy measurement system known as the Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.

(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce to retirement by 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.

(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate and timely fashion to avoid unnecessary delays in providing veterans with compensation and pension benefits.

#### SEC. 3. IMPROVEMENT OF PROCESSING OF VETERANS BENEFITS CLAIMS.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in benefit payments are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims adjudications by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standard on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(d) IMPLEMENTATION.—The Secretary shall implement the plan under subsection (a) commencing 60 days after the date of the submittal of the plan under that subsection.

(e) MODIFICATION.—(1) The Secretary may modify the plan submitted under subsection (a).

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(f) REPORTS.—Not later than January 1, 2000, and every 6 months thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (a) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (b)(4) are being achieved.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIR TRAFFIC MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, 2 weeks ago I came to the Senate floor to talk with my colleagues in the Congress about the troubled state of our nation's air traffic control system. After a long summer of dramatically increased congestion in the skies and

delays on the ground, I implored my colleagues to join me in putting a new and renewed emphasis on aviation, and to commit ourselves to modernizing, reforming, and, if need be, restructuring our air traffic system in order to meet surging travel demands in the new millennium.

Today I am pleased to join with Senator GORTON in offering my colleagues a first step in that process by introducing the Air Traffic Management Improvement Act of 1999—a modest but meaningful bill that would improve current management and operation of the system, without prejudging the ongoing and important debate about whether and how to more fundamentally restructure the air traffic over the long term.

The Air Traffic Management Improvement Act of 1999 is focused in two key areas—the first being internal FAA management reforms and the second being modernizing of the nuts and bolts of the system itself.

With respect to management reforms, this bill would create a new air traffic control oversight committee, as a subcommittee of the FAA's Management Advisory Committee, and a new Chief Operating Officer (COO) position, with central responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and putting together a budget for air traffic services. For both the COO and the FAA Administrator, the bill would authorize performance bonuses in order to allow us to attract and retain the highest caliber leadership possible for running this essential national system.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system, without compromising the FAA's primary safety mission, and asks the Administrator to report on and provide milestones for the agency's new cost allocation system.

With respect to air traffic modernization, the bill calls for a comprehensive review and redesign of our airspace nationwide, based on input from the aviation community, and provides the resources necessary to get the job done in a timely fashion. The bill also includes an emergency authorization of up to \$100 million to speed up the purchase and fielding of modernization equipment and technologies that could have made a difference in the gridlock of this past summer but have been held up by inadequate funding.

Finally, the bill would set up an innovative pilot program to facilitate public-private joint ventures for the purchase of air traffic control equipment. It would create a not-for-profit Air Traffic Modernization Association with a three-member executive panel representing the FAA, commercial air carriers, and primary airports. Ten projects for modernization equipment would be selected from among applications made by airlines and airports, or

a consortium of interested parties, who are willing to share financial responsibility for FAA-approved modernization equipment—and who can't and don't want to wait for the congressional budget process to catch up with air traffic demands. In effect, the Association would leverage a relatively small amount of FAA seed money to more quickly procure and field ATC modernization equipment through leasing and bond arrangements. The pilot program allows for up to \$50 million in FAA funding per project, with a total cap of \$500 million. It also allows a sponsoring airport to use a portion of a passenger facility charge to meet their commitment and provides incentives for airport participation.

In closing, I want to say how thankful I am for the good and sound leadership of my friend and colleague Senator GORTON and of FAA Administrator Garvey and the outstanding FAA employees who work with her and whose expertise, ideas, and technical assistance are reflected in this bill. To my mind the problems of the current system are shared problems—we all bear some responsibility for them and we all need to step up to the plate to do something to fix them. The FAA does a very commendable job with an incomprehensibly difficult task—and they have a terrific safety record to show for it. But the current system isn't working as well as it could or should, and we can't wait to do something about it.

My goal in the Air Traffic Management Improvement Act of 1999 is to give the FAA additional tools to get the job done in today's more challenging aviation environment—and to give the Congress and the country some time to consider in a very deliberate and careful way some of the proposals for more far-reaching change.

It is our intention to offer this bill as an amendment to the FAA and AIP re-authorization bill, S. 82, when it comes to the Floor in the near future. I look forward to talking more about the details and great potential of these modest reforms at that time. I hope my colleagues will join me in working to improve our air traffic system for the benefit of the traveling public and of the national economy.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Air Traffic Management Improvement Act of 1999".

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

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

**SEC. 3. DEFINITIONS**

In this Act:

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

(2) SECRETARY.—The term “Secretary” means the Secretary of the Department of Transportation.

**SEC. 4. FINDINGS.**

The Congress makes the following findings:

(1) The nation’s air transportation system is projected to grow by 3.4 percent per year over the next 12 years.

(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 660 million.

(3) The aviation industry is one of our Nation’s critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.

(4) The ability of all sectors of American society, urban and rural, to access, and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation’s communities effectively and efficiently.

(5) The Federal government’s role is to promote a safe and efficient national air transportation system through the management of the air traffic control system and through effective and sufficient investment in aviation infrastructure, including the Nation’s airports.

(6) Numerous studies and reports, including the National Civil Aviation Review Commission, have concluded that the projected expansion of air service may be constrained by gridlock in our Nation’s airways, unless substantial management reforms are initiated for the Federal Aviation Administration.

(7) The Federal Aviation Administration is responsible for safely and efficiently managing the National Airspace System 365 days a year, 24 hours a day.

(8) The Federal Aviation Administration’s ability to efficiently manage the air traffic system in the United States is restricted by antiquated air traffic control equipment.

(9) The Congress has previously recognized that the Administrator needs relief from the Federal government’s cumbersome personnel and procurement laws and regulations to take advantage of emerging technologies and to hire and retain effective managers.

(10) The ability of the Administrator to achieve greater efficiencies in the management of the air traffic control system requires additional management reforms, such as the ability to offer incentive pay for excellence in the employee workforce.

(11) The ability of the Administrator to effectively manage finances is dependent in part on the Federal Aviation Administration’s ability to enter into long-term debt and lease financing of facilities and equipment, which in turn are dependent on sustained sound audits and implementation of a cost management program.

(12) The Administrator should use the full authority of the Federal Aviation Administration to make organizational changes to improve the efficiency of the air traffic control system, without compromising the Federal Aviation Administration’s primary mission of protecting the safety of the travelling public.

**SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.**

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) ‘air traffic control system’ means the combination of elements used to safely and efficiently monitor, direct, control, and

guide aircraft in the United States and United States-assigned airspace, including—

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

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

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

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

**SEC. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC SERVICES.**

(a) Section 106 is amended by adding at the end the following:

“(r) CHIEF OPERATING OFFICER.—

“(i) IN GENERAL.—

“(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, after consultation with the Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

“(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

“(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

“(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

“(E) COMPENSATION.—

“(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

“(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief Operating Officer’s performance in relation to the performance goals set forth in the performance agreement described in subsection (b) of this section. A bonus may not cause the chief Operating Officer’s total aggregate compensation in a calendar year to equal or exceed the amount of the President’s salary under section 102 of title 3, United States Code.

“(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

“(3) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.”.

“(4) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Federal Aviation Administration responsibilities, including, but not limited to the following:

“(A) STRATEGIC PLANS.—To develop a strategic plan of the Federal Aviation Adminis-

tration for the air traffic control system, including the establishment of—

“(i) a mission and objectives;

“(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

“(iii) annual and long-range strategic plans.

“(iv) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

“(B) OPERATIONS.—To review the operational functions of the Federal Aviation Administration, including—

“(i) modernization of the air traffic control system;

“(ii) increasing productivity or implementing cost-saving measures; and

“(C) BUDGET.—To—

“(i) develop a budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administration;

“(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 paragraph (4)(A) of this subsection.

“(5) BUDGET SUBMISSION.—The Secretary shall submit the budget request prepared under paragraph (4)(D) of this subsection for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President’s annual budget request for the Federal Aviation Administration for such fiscal year.”.

**SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.**

“(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

“(C) 13 members representing aviation interests, appointed by—

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

“(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.”.

“(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking “by the President”.

“(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p)(6) is amended by adding at the end thereof the following:

“(E) AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Chairman of the Management Advisory Council shall constitute an Air Traffic Services Subcommittee to provide comments, recommend modifications, and provide dissenting views to the Administrator on the performance of air traffic services, including—

“(i) the performance of the Chief Operating Officer and other senior managers within the air traffic organization of the Federal Aviation Administration;

“(ii) long-range and strategic plans for air traffic services;

“(iii) review the Administrator’s selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

“(iv) review and make recommendations to the Administrator’s plans for any major reorganization of the Federal Aviation Administration that would effect the management of the air traffic control system;

“(v) review, and make recommendations to the Administrator’s cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation.

“(vi) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and

“(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.”.

#### SEC. 8. COMPENSATION OF THE ADMINISTRATOR.

Section 106(b) is amended—

- (1) by inserting “(1)” before “The”; and
- (2) by adding at the end the following:

“(2) In addition to the annual rate of pay authorized for the Administrator, the Administrator may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Secretary’s evaluation of the Administrator’s performance in relation to the performance goals set forth in a performance agreement. A bonus may not cause the Administrator’s total aggregate compensation in a calendar year to equal or exceed the amount of the President’s salary under section 102 of title 3, United States Code.”.

#### SEC. 9. NATIONAL AIRSPACE REDESIGN.

(a) FINDINGS RELATING TO THE NATIONAL AIRSPACE.—The Congress makes the following additional findings:

(1) The National airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers including more than 700 different sectors.

(3) Redesign and review of the National airspace may produce benefits for the 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 REPORT.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House on the Administrator’s comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section \$12,000,000 for fiscal years 2000, 2001, and 2002.

#### SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGEMENT.

(a) REPORT ON THE COST ALLOCATION SYSTEM.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House on the cost allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the cost allocation system throughout the agency and shall also include the timetable and plan for the implementation of a cost management system.

##### (b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall con-

duct the assessments described in this subsection. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FEDERAL AVIATION ADMINISTRATION COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the Federal Aviation Administration’s definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

##### (3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FEDERAL AVIATION ADMINISTRATION FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

#### SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

##### “§ 44516. Air traffic modernization joint venture pilot program

“(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation’s air transportation system by facilitating the use of joint ventures and innovative financing, on a pilot program basis, between the Federal Aviation Administration and industry, to accelerate investment in critical air traffic control facilities and equipment.

##### “(B) DEFINITIONS.—As used in this section:

“(1) ASSOCIATION.—The term ‘Association’ means the Air Traffic Modernization Association established by this section.

“(2) PANEL.—The term ‘panel’ means the executive panel of the Air Traffic Modernization Association.

“(3) OBLIGOR.—The term ‘obligor’ means a public airport, an air carrier or foreign air carrier, or a consortium consisting of 2 or more of such entities.

“(4) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project relating to the nation’s air traffic control system that promotes safety, efficiency or mobility, and is included in the Airway Capital Investment Plan required by section 44502, including—

“(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements and control towers;

“(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

“(C) facilities and equipment that enhance airspace control procedures, including con-

solidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and off-shore flight tracking.

“(5) SUBSTANTIAL COMPLETION.—The term ‘substantial completion’ means the date upon which a project becomes available for service.

##### “(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—

“(1) IN GENERAL.—There may be established in the District of Columbia a private, not for profit corporation, which shall be known as the Air Traffic Modernization Association, for the purpose of providing assistance to obligors through arranging lease and debt financing of eligible projects.

“(2) NON-FEDERAL ENTITY.—The Association shall not be an agency, instrumentality or establishment of the United States Government and shall not be a ‘wholly-owned Government controlled corporation’ as defined in section 9101 of title 31, United States Code. No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on the actions of the Association.

##### “(3) EXECUTIVE PANEL.—

“(A) The Association shall be under the direction of an executive panel made up of 3 members, as follows:

“(i) 1 member shall be an employee of the Federal Aviation Administration to be appointed by the Administrator;

“(ii) 1 member shall be a representative of commercial air carriers, to be appointed by the Management Advisory Council; and

“(iii) 1 member shall be a representative of operators of primary airports, to be appointed by the Management Advisory Council.

“(B) The panel shall elect from among its members a chairman who shall serve for a term of 1 year and shall adopt such bylaws, policies, and administrative provisions as are necessary to the functioning of the Association.

“(4) POWERS, DUTIES AND LIMITATIONS—Consistent with sound business techniques and provisions of this chapter, the Association is authorized—

“(A) to borrow funds and enter into lease arrangements as lessee with other parties relating to the financing of eligible projects, provided that any public debt issuance shall be rated investment grade by a nationally recognized statistical rating organization;

“(B) to lend funds and enter into lease arrangements as lessor with obligors, but—

“(i) the term of financing offered by the Association shall not exceed the useful life of the eligible project being financed, as estimated by the Administrator; and

“(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—

“(I) may not exceed \$500,000,000 per fiscal year for fiscal years 2000, 2001, and 2002;

“(II) shall be used for not more than 10 projects; and

“(III) may not provide funding in excess of \$50,000,000 for any single project; and

“(C) to exercise all other powers that are necessary and proper to carry out the purposes of this section.

“(5) PROJECT SELECTION CRITERIA.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:

“(A) The eligible project’s contribution to the national air transportation system, as outlined in the Federal Aviation Administration’s modernization plan for alleviating congestion, enhancing mobility, and improving safety.

“(B) The credit-worthiness of the revenue stream pledged by the obligor.

“(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

“(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

“(d) AUTHORITY TO ENTER INTO JOINT VENTURE.—

“(1) IN GENERAL.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capital Investment Plan.

“(2) COST SHARING.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency's share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to amortize the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

“(3) PROJECT SPECIFICATIONS.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Advisory Council.

“(e) INCENTIVES FOR PARTICIPATION.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

“(f) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee or obligation of the United States.

“(g) REPORT TO CONGRESS.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association's activities including—

“(1) an assessment of the Association's effectiveness in accelerating the modernization of the air traffic control system;

“(2) a full description of the projects financed by the Association and an evaluation of the benefits to the aviation community and general public of such investment; and

“(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation's air transportation system.

“(h) AUTHORIZATION.—Not more than the following amounts may be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the

agency's share of the organizational and administrative costs for the Air Traffic Modernization Association:

- “(1) \$500,000 for fiscal year 2000;
- “(2) \$500,000 for fiscal year 2001; and
- “(3) 500,000 for fiscal year 2002.

“(i) RELATIONSHIP TO OTHER AUTHORITIES.—

Nothing in this section is intended to limit or diminish existing authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.”.

“(b) CONFORMING AMENDMENT.—

“(1) Section 40117(b)(1) is amended by striking “controls.” and inserting “controls, or to finance an eligible project through the Air Traffic Modernization Association in accordance with section 44516 of this title.”.

“(2) The analysis for chapter 445 is amended by adding at the end the following:

“44516. Air traffic modernization pilot program.”.

#### SEC. 12. EMERGENCY AUTHORIZATION FOR AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended—

“(1) by striking “a total of the following amounts” and inserting \$100,000,000 for fiscal year 2000 to fund critically needed, and already developed, air traffic control equipment that can be efficiently installed into the National airspace to more safely and efficiently move traffic”; and

“(2) striking “title:” and all that follows and inserting “title.”.

#### ADDITIONAL COSPONSORS

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 740

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hy-

droelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1133

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1242

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1448

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1454

At the request of Mr. ROBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1473

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Alabama