

Transportation Appropriations (S. Rept. 106-55) including the following:

The Committee believes that the group effort, dubbed "Common Ground", has the potential to serve as a basis for a self-sustaining entity that can advance underground damage prevention by identifying and encouraging best practices, providing badly needed public education, and collecting and disseminating information on damage to underground facilities. The Committee directs OPS to use existing resources to support the formation and initial operation of a non-profit organization that will further the work of "Common Ground" and implement other innovative approaches to advance underground damage prevention.

On October 28, the Office of Pipeline Safety will respond to this direction by convening a public meeting of the Common Ground participants and an even wider group of interests to lay the foundation for the non-profit organization described in this Report language. This non-profit damage prevention organization could be the key to a far more robust and effective national effort to protect our underground infrastructure that would be led and funded by the private sector.

To Secretary Slater's credit, the Department understands the importance of letting the private participants take the lead. The Department of Transportation will provide the initial resources for startup, but will then step back, so the private participants can be responsible for defining the path forward for underground damage prevention. In order to succeed, the new non-profit organization cannot be federally run or federally controlled. To succeed it cannot be run or controlled by any one of the interests in underground damage prevention. It must be a cooperative, power sharing enterprise in which excavation community, one-call notification center representatives, locating contractors, railroads, underground facility operators and other important interests join together to make decisions democratically.

The potential for such an organization to get things done is simply enormous, because it can include all the important affected interests from the beginning. The private effort and resources devoted to underground damage prevention today are very significant, but fragmented. This non-profit damage prevention organization is the missing piece that can pull these efforts together in a constructive way to create a powerful national impact on the largest preventable threat to our underground infrastructure. I urge all those in attendance at the October 28 meeting to keep this big picture vision firmly in mind. This is a tremendous opportunity that should not be missed.

Mr. President, I congratulate Secretary of Transportation Rodney Slater for seizing the opportunity offered by the Common Ground initiative. It seems to me that Secretary Slater, Research and Special Programs Administrator Kelley Coyner and Office of Pipeline Safety head Richard Felder all have this exactly right. This

effort will be most effective if it is privately led and privately funded. This is an instance, all too rare, where the Federal Government is seeking to return power to the private sector. I urge all the Common Ground private participants—the excavation community, one-call notification center representatives, locating contractors, railroads, insurance providers, equipment manufacturers and underground facility operators to take up the leadership responsibility the Secretary is offering.

I will continue to monitor developments in underground damage prevention and the efforts to set up the non-profit privately led organization envisioned in the Senate Appropriations Committee Report. I look forward to working with all involved to further improve protection of our vital underground infrastructure.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, as we reach the end of this session of Congress, it's essential that we act on the Patients' Bill of Rights before we adjourn. In passing the Norwood-Dingell bill two weeks ago, a solid, bipartisan majority of the House of Representatives voted for strong protections for patients against abuses by HMOs. Despite an extraordinary lobbying and disinformation campaign by the health insurance industry, the House approved the bill by a majority of 275-151. Sixty-eight Republicans as well as almost every Democrat in the House stood up for patients and stood firm against industry pressure.

Last Friday, the Senate appointed its conferees. Speaker HASTERT has said that the House will appoint its conferees this week. Prompt action on strong reforms is clearly within our grasp. But a series of recent statements and actions provide ominous signs that the insurance industry and its friends in the Republican leadership are at it again. Their emerging strategy seems once again to be to delay and deny the relief that American families need and that the House overwhelmingly approved.

The House vote was a major milestone toward enacting needed reform. It came after the Senate passed legislation with only sham protections by a narrow, partisan majority.

It came after years of delay and denial by the Republican leadership in both Houses of Congress, working hand-in-hand with the health insurance companies and HMOs to block reform.

Patients and doctors won a clear victory in the House. But now, the insurance industry and their allies in the House and the Senate Republican leadership are once again mobilizing to deny patients and doctors the protections they deserve. The ink is barely dry on the dramatic House vote, and opponents of reform are already talking about a new strategy of delay and denial—a strategy once again to put HMO profits first and patient protections last.

The first part of this emerging strategy is to delay the work of the House-Senate conference committee as long as possible. A precondition for appointing conferees and beginning the conference is formal transmission of the House-passed bill to the Senate. That process normally takes a day or two at most.

In fact, of 252 bills passed by the House in this Congress, the overwhelmingly majority were delivered to the Senate the day they were passed or the day after they were passed. Except for a few bills passed just before the beginning of a long recess, every bill passed by the House had been received by the Senate by the sixth day after passage. Yet, on the seventh day after the passage of the Norwood-Dingell bill, the legislation was still being held in the House of Representatives.

Only after the release of a CRS study documenting the extraordinary delay in transmission of the legislation was the bill forwarded to the Senate and Senate conferees appointed.

According to the Los Angeles Times, Senator LOTT's response to passage of the House bill was that "House-Senate conferences on other legislation have a higher priority and that resolving differences on this bill would take some time." According to the Baltimore Sun, Senator LOTT also indicated that Congress might not have time to work out the differences and approve a final bill before it adjourns for the year. According to the New York Times, aides to Senator NICKLES said that "the conference committee will probably not begin serious work until early next year." And just this past Friday, CongressDaily reported that "a Senate GOP aide said . . . Republicans do not plan to start the conference before the end of this year's session, despite the appointment of conferees."

Some Republicans are already beginning to lay the groundwork for a failed conference. Comparing the Senate and House bills, Congressman BILL THOMAS said, "You don't see many cross-breeds between Chihuahuas and Great Danes walking around."

And, of course, the fingerprints of Republican-industry collaboration are there to see for anyone who cares to look. As Bruce Josten of the U.S. Chamber of Commerce put it, "To see nothing come out of the conference is my hope. The best outcome is no outcome."

Even if the strategy of delay and denial fails, the Republican leadership once again has an alternative to try to weaken the House bill as much as possible.

As the Baltimore Sun reported, "House Majority Whip TOM DELAY suggested that the Republican-dominated House conference would not fight vigorously for the House-approved measure in the Conference Committee." Mr. DELAY said, "Remember who controls the conference: the Speaker of the House."

A conference that produces legislation that looks like the Senate Republican bill would break faith with the American people, make a mockery of the overwhelming vote in the House of Representatives, and cause unnecessary suffering for millions of patients.

That is why more than 300 groups representing patients, doctors, nurses, and other caregivers, and families support the Norwood-Dingell bill, but only the insurance industry supports the Senate proposal.

For every patient right in the Senate Republican bill, there is an industry loophole. If the truth in labeling law applied to legislation, every page of the bill would flunk the test, because every promise of patient protection comes with loopholes to protect HMOs and health insurers. The promise to patients is always broken.

At its most basic level, the decision before Congress is whether critical medical decisions will be made by doctors and patients, or HMO accountants.

It is time to protect families against abuses by a faceless insurance bureaucracy that can rob average citizens of their savings and their peace of mind, and often their health and their very lives.

For the millions of Americans who rely on health insurance to protect them and their loved ones when serious illness strikes, the Norwood-Dingell bill is a matter of life and death, and deserves to be passed by Congress.

Every day we delay in passing these reforms means that more patients will suffer and die. Congress has an obligation to act and to act now.

The abuses that take place every day should have no place in American medicine. Every doctor knows it. Every nurse knows it. Every patient knows it. The American people know it—and it is time the Republican leadership heeded their views.

The first test of the sincerity of the Republican leadership will come this week when the House conferees are appointed. Will a majority of the House conferees come from those who supported the Norwood-Dingell bill, not just on final passage, but on the critical vote to replace it with the leadership-backed alternative?

The second test will come in the conference itself. The danger is that the process will go into slow motion so that nothing happens until Congress adjourns for this session. There is ample time for genuine bipartisan negotiations to produce a strong, bipartisan bill that Congress can pass and the President can sign before the session ends.

The issues are well-known. There is no need for the conference to be time-consuming—no need unless the objective is to pass a watered down bill, or nothing at all. The Norwood-Dingell bill received overwhelming bipartisan support in the House of Representatives. The Senate conferees should do the right thing and simply accept that bill.

The choice is clear. Prompt action to protect patients and their families—or more delay and denial. Those who profit from the status quo have delayed action long enough. It is time for Congress to provide every family the protection they deserve.

Mr. President, Friday, we had the appointment of the conferees to represent the Senate with the House of Representatives on the HMO bill, the Patients' Bill of Rights legislation.

We want to let the Senate know we are prepared to meet today, tomorrow, the next day, and every single day to try to get a resolution of that issue because we know that every single day we do not act and have strong legislation, like the House of Representatives, American families are endangered and Americans are being hurt. That is wrong. We have the chance to act. On our side of the aisle, we are prepared to take action. We are prepared to meet. We believe this is one of the most important efforts we will have in this Congress.

We will continue to challenge our colleagues on the other side to move ahead and have a conference. We have debated these issues. We have had a long time to debate them. We have had extensive debates in committee and for over a week on the floor of the Senate.

Let's get about protecting the American citizens on that Patients' Bill of Rights—letting doctors make decisions rather than accountants. Every day, as I mentioned, that we fail to do so, we fail to protect American families. We want to go about America's business and families' business on health care. We are prepared to meet in conference now and every day in the future.

I thank the Chair.

ON THE 1999-2000 AMERICA'S CUP

Mr. CHAFEE. Mr. President, today I call to the attention of my colleagues the battle for the America's Cup, which begins this week in the Hauraki Gulf off Auckland, New Zealand. Five American and six international challengers are competing for the right to face Team New Zealand in races beginning next February.

This competition, which promises to be a long, hard-fought affair, gives me an opportunity to share with my fellow Senators some thoughts on Rhode Island's celebrated history in yachting. It began in London in 1851, when the America's Cup was designed and crafted as a trophy for a race around the Isle of Wight. The cup was named after the yacht *America* which first won the trophy by beating the British yachts at Cowes. Yacht racing had only recently begun in North America at the time; John Cox Stevens had founded the New York Yacht Club in 1844 and in 1851 was still its first Commodore.

But yacht racing was not so new in Britain, where forms of yachting had been a sport for about 250 years. In the mid-1850's, Britannia ruled the waves in all respects, and it would never have

occurred to them that an American outfit could challenge their yachting dominance.

In 1857, John Stevens decided that the cup would be better in the hands of the New York Yacht Club for safekeeping and for organizing challenges. The cup, which graced the halls of the New York Yacht Club, became known as the America's Cup and this has continued for 145 years. Until 1983, the New York Yacht Club successfully defended the cup in races off Newport, Rhode Island, a venue which deservedly has come to be considered one of the sailing capitals of the world.

During these years, a great many Rhode Islanders stood out and earned outstanding reputations in this sport. Most notably, Nathanael Greene Herreshoff, "The Wizard of Bristol," joined his visually impaired brother in the manufacture of boats and went on to design six successful America's Cup defenders—*Vigilant* (in 1893), *Defender* (1895), *Columbia* (1899 and 1901), *Reliance* (1903) and *Resolute* (1920). In addition, the celebrated sailmaker and designer Ted Hood had more to do with the development of the America's Cup from the 1950's to the 1970's than any other person. Hood also won the Cup, helming *Courageous* in 1974.

Today, Hood's shipyard and many others in Rhode Island continue this proud tradition in the sailing world and have made the state's boatbuilding industry second to none. The east shore of Narragansett Bay has 13 boatyards representing some of yachting's most famous labels. In the words of one expert, "people across the world think of quality boats when they think of Rhode Island." Combined with tourism from recreational boating, the state's marine industry generates about \$1.2 billion annually and employs about 6,000 workers. Rhode Island yards built boats for three America's Cup syndicates in 1995 and two more this year.

One of the American challengers is of particular interest to me and to my constituents in Rhode Island. Young America, a two-boat syndicate put forward by the New York Yacht Club, is one of the strongest challengers in these races. The club has stated its intent to bring America's Cup back to Newport, Rhode Island if—or should I say "when"—it dethrones Team New Zealand next March. Many, many Rhode Islanders eagerly look forward to the return of this great tradition to Newport, where it had such an outstanding record of success for one hundred and thirty-two years.

Young America's president, John Marshall, has been long involved with world-class sailing. Marshall won a bronze medal at the 1972 Olympics, and has been involved with eight America's Cups since 1974. Marshall is a former president of and serves on the Board of Directors for North Sails, the largest sailmaker in the United States.

Young America is skippered by Ed Baid, who played a key role in winning the 1995 America's Cup as coach, trial