

TRIBUTE TO FRED B. KFOURY, JR.

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Fred Kfoury, Jr., as the 1998 Manchester Chamber of Commerce "Citizen of the Year." I commend his outstanding achievement.

Fred is the President of Center Paper Products Company in Manchester, New Hampshire. His company employs forty-five people and is a fixture in the Manchester business community. He is described by his business associates as a very generous, thoughtful businessman. His company, that was passed on to him from his father, continues to grow and thrive.

Fred has always tempered his business success with a great devotion to volunteerism. His own philosophy, "Service to one's community is an integral part of his company's culture," has been readily apparent in his actions through the years. Fred has constantly maintained a record of service to his community that is highly admirable. He has been active in organizations from his college alumni association to the annual Christmas party for students and families at Notre Dame College.

As a former small business owner, I understand the demands of running a business. I commend Fred for his diligent work in his business as well as the devotion he has shown to the community. Once again, I wish to congratulate Fred on being named 1998 "Citizen of the Year" by the Manchester Chamber of Commerce. It is an honor to represent him in the United States Senate. •

NATIONAL ENGINEERS WEEK

• Mr. GRAMS. Mr. President, I rise today to pay tribute to those men and women who have made the world we live in a better place through their advances in engineering. February 21-27 is the 49th annual observance of National Engineers Week to increase public awareness and appreciation of the engineering profession and of technology. Thousands of engineers, engineering students, teachers, and leaders in government and business participate each year.

Engineering is so intertwined in our everyday activity that it can often be taken for granted. The National Society of Professional Engineers and a consortium of more than 100 engineering, scientific and education societies and major corporations are working to increase the public's awareness during this week.

This year's theme, "Engineers: Turning Ideas into Reality," will focus on participants interesting with children from elementary to high school through demonstrations and question and answer sessions. Seventh and eighth-grade students are invited to design future cities and build three-dimensional scale models with the help of their teachers and volunteer-engi-

neer mentors. The National Engineering Design Challenge will team up high school students to design, build, and demonstrate a working model of a new product. And the Discover E program will reach more than five million elementary, junior and senior high school students to help them discover how engineering is applied in math, science and technology. Over 40,000 engineers nationwide will work with these students through hands-on activities in the classroom.

In Minnesota, "Discover E! in Minneapolis" was held on February 23 with the help of engineering students from the University of Minnesota and engineers from local businesses visiting 5th and 6th graders. The students were able to explore mechanical, biomedical, and environmental engineering through demonstrations and discussions about work and studies.

This week honors the birthday of one of the nation's first engineers, a surveyor named George Washington. It also recognizes the countless other engineers who have influenced nearly every aspect of our lives with their dedicated work and numerous technological advances. Their contributions to science include discoveries, for example, that have resulted in the development of ultra-lite materials such as Kevlar, and environmentally beneficial technologies such as a wastewater treatment system that effectively recycles 100% of all wastewater.

Schools have focused their teachings on the body of scientific knowledge, often times neglecting the process of discovery that engineers use to help create the new advances for our modern world. With the support of groups such as NASA and Minnesota-based 3M, programs during Engineers Week will integrate this process of discovery and the use of technology into mathematics, science, language arts, and other topics. I am a strong supporter of exposing our children to the world around them and hope this awareness will get them involved and spark interest in the future of engineering. •

TELECOMMUNICATIONS ACT OF 1996

• Mr. BROWNBACK. Mr. President, three years ago this month, Congress and the President hailed the enactment of the Telecommunications Act of 1996. This piece of legislation was intended to increase competition, expand consumer choice, foster new technologies and create new jobs. The Act contemplated the achievement of these goals through reliance on the marketplace rather than on a sluggish and burdensome regulatory mandate.

The implementation of the Act by the Federal Communications Commission has sailed way off course. Congress provided the universal service program as a means of ensuring that residents of rural and high-cost areas receive the same high quality services and the same affordable rates as their urban

counterparts. Yet universal service, one of the most important topics addressed in the Act, remains virtually unchanged by the FCC after three years despite the Commission's statutory responsibility to finish universal service reform in a "single proceeding" and within 15 months of passage of the Act. The FCC did complete a small part of the universal service mandate, the program bringing advanced services to schools and libraries. However, the Commission continues to ignore the most significant aspect of universal service reform, "the preservation and advancement of universal service" and high-cost areas. The Act commands that the Commission make the support mechanisms explicit and predictable. The Commission's failure to do so threatens the affordability of rural residential rates.

The uncertainty created by the FCC's failure to implement universal service is perpetuating the absence of local competition, especially in rural areas. As a consequence, local residential competition will remain at the current inadequate levels until the FCC addresses universal service. Congress intended that carriers providing service to residents of rural and high-cost areas would receive support for the "provision, maintenance, and upgrading of facilities and services" which would otherwise be absent in these areas. Accordingly, the Commission must make the now implicit subsidies explicit and sufficient in order to fulfill Congress' mandate.

Congress is still looking for more competition and more choice in all communications services, especially for rural residents. Let's allow the marketplace to work, which will give consumers in rural areas some real choices at affordable rates.

Mr. President, this year Congress will consider reauthorization of the FCC. I am extremely disappointed with the Commission's track record on implementation of the Act. As we contemplate legislation to change the FCC, its actions over the next several months will determine the outcome of our deliberations. I hope that the FCC will complete the universal service proceeding by July 1, and act in a manner consistent with the Act. I will not accept a universal service proceeding that puts upward pressure on rural rates, and I will hold the FCC accountable it fails to comply with the Act.

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TRIBUTE TO BRIGADIER GENERAL RANDALL M. "MARK" SCHMIDT

● Mr. CRAIG. Mr. President, it is my distinct privilege to rise today to thank Brigadier General Randall M. "Mark" Schmidt for his service as commander of the 366th Wing, Mountain Home Air Force Base, Idaho. Gen-

eral Schmidt has been at Mountain Home since August of 1997, and will soon move on to reassignment as commander, Joint Task Force, Southwest Asia.

I have long been proud of the 366th Wing. The Wing's motto is, "Anywhere, anytime." Mountain Home is unique because it is the Air Force's only air intervention composite wing. The 366th is ready to deploy on a moment's notice with its own integrated command, control, communications, and intelligence capabilities. The Wing is a composite force already built and trained, ready to fight and intervene anytime, any where. However, it is clear that the reason this concept has been a success is because of the dedicated patriots who have had the privilege to serve at Mountain Home. Commander Schmidt has exemplified that tradition.

By all accounts, General Schmidt's service has been nothing short of extraordinary. He has made the goal of "one community" a reality at Mountain Home. He has integrated every airman, regardless of rank, to be part of the 366th team. He puts his words into action. The biggest testament to his talent is the fine work of men and women who are part of the 366th. Indeed, Mountain Home and Idaho have been fortunate to have him.

However, Commander Schmidt's talents do not come as a surprise to me. As a Westerner, a former rancher, and a history buff, I have always been captivated by the pioneer spirit. It is that spirit which brought many of our ancestors to America, and some of them across America to settle in the West. It is that same spirit that isn't afraid of challenges, hardships or hard work, which can be measured and found throughout this great nation, and is at certainly home in the men and women of the United States Air Force.

In addition to saying thank you, let me also take this opportunity to congratulate Commander Schmidt. Secretary Cohen has selected him to be one of a small, select group of Brigadier Generals nominated for promotion to Major General. As he prepares to leave for the desert to serve on joint command, I hope and believe that he will always consider himself an Idahoan.

General Schmidt, thank you, congratulations, and godspeed.●

NINTH CIRCUIT DIVISION

● Mr. MURKOWSKI. Mr. President, today I rise to clarify a production and printing problem that occurred with regard to the CONGRESSIONAL RECORD. On January 19, 1999, I, with my distinguished colleague from the State of Washington, Senator GORTON, introduced legislation to reorganize the Ninth Circuit Court of Appeals. Unfortunately, the legislation we introduced, S. 186, was an incorrect draft. I reintroduced the correct draft as S. 253. However, through a glitch in the pub-

lishing of the RECORD, the incorrect language of the bill was again reproduced in the RECORD.

The language appearing in today's record is the correct language of S. 253. This language is identical to the recommendation of the White Commission, the congressionally-mandated Commission structured to study the alignment of the U.S. Court of Appeals.

Mr. President, I ask that the "star print" of S. 253, the Ninth Circuit Reorganization Act of 1999, be printed in the RECORD.

The material follows:

S. 253

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 "Federal Ninth Circuit Reorganization Act of 1999".

SEC. 2. DIVISIONAL ORGANIZATION OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT.

(a) REGIONAL DIVISIONS.—Effective 180 days after the date of enactment of this Act, the United States Court of Appeals for the Ninth Circuit shall be organized into 3 regional divisions designated as the Northern Division, the Middle Division, and the Southern Division, and a nonregional division designated as the Circuit Division.

(b) REVIEW OF DECISIONS.—

(1) NONAPPLICATION OF SECTION 1294.—Section 1294 of title 28, United States Code, shall not apply to the Ninth Circuit Court of Appeals. The review of district court decisions shall be governed as provided in this subsection.

(2) REVIEW.—Except as provided in sections 1292(c), 1292(d), and 1295 of title 28, United States Code, once the court is organized into divisions, appeals from reviewable decisions of the district and territorial courts located within the Ninth Circuit shall be taken to the regional divisions of the Ninth Circuit Court of Appeals as follows:

(A) Appeals from the districts of Alaska, Idaho, Montana, Oregon, Eastern Washington, and Western Washington shall be taken to the Northern Division.

(B) Appeals from the districts of Eastern California, Northern California, Guam, Hawaii, Nevada, and the Northern Mariana Islands shall be taken to the Middle Division.

(C) Appeals from the districts of Arizona, Central California, and Southern California shall be taken to the Southern Division.

(D) Appeals from the Tax Court, petitions to enforce the orders of administrative agencies, and other proceedings within the court of appeals' jurisdiction that do not involve review of district court actions shall be filed in the court of appeals and assigned to the division that would have jurisdiction over the matter if the division were a separate court of appeals.

(3) ASSIGNMENT OF JUDGES.—Each regional division shall include from 7 to 11 judges of the court of appeals in active status. A majority of the judges assigned to each division shall reside within the judicial districts that are within the division's jurisdiction as specified in paragraph (2), except that judges may be assigned to serve for specified, staggered terms of 3 years or more, in a division in which they do not reside. Such judges shall be assigned at random, by means determined by the court, in such numbers as necessary to enable the divisions to function effectively. Judges in senior status may be assigned to regional divisions in accordance with policies adopted by the court of appeals. Any judge assigned to 1 division may be assigned by the chief judge of the circuit for