

allow U.S. and EU representatives to work out the framework of a new, more stringent global aircraft noise standard within ICAO. The Federal Aviation Administration and the State Department have been in negotiations with the EU on the eventual withdraw of this unfair and discriminatory statute.

Many of my colleagues have seen recent efforts by the European Union to gain the upper hand over the United States in matters of trade. Aviation has proven to be no different. And this is deeply troubling, because aviation is not only a primary source of a favorable balance of trade for the United States, but, because of its global reach, represents an area where international standards are crucial to facilitating that commerce among nations. Yet, as I stated earlier, the EU has acted to preempt U.S. air carriers and carriers from other parts of the world from serving points in Europe with certain hushkitted or re-engineered aircraft. This restriction applies even though those aircraft fully comply with Stage 3 international noise standards adopted by the International Civil Aviation Organization (ICAO).

This European regulation, although its implementation has been deferred until May 2000, has already created financial hardships for U.S. aerospace manufacturers and airlines. It must be withdrawn or we will see a continued impact on U.S. jobs and profits. Modifying the rule or deferring its implementation for an added period of time will not offer the relief needed by U.S. aviation interests—the financial markets simply do not respond favorably to uncertainty. The U.S. government has engaged in extensive discussions with the European Council for the past year, without achieving a commitment to a repeal of this rule, which I might add expressly protects European aviation interests. The time has come to achieve a timely resolution of this problem through action.

The Sense of the Senate resolution I offer today cites the need for complying with international standards in the aviation arena and highlights the problems the rule is causing for U.S. manufacturers and operators. Failing an early commitment by the Europeans to withdraw this arbitrary and discriminatory rule, the resolution calls upon the Department of State to initiate an Article 84 proceeding before ICAO. It is my understanding that this type of proceeding is not a sanctions mechanism, but instead affords a process that provides an opportunity for the international aviation body to rule on whether this regulation complies with international aviation standards.

This Sense of the Senate further calls upon other agencies of the executive branch to use the tools at their disposal as well to achieve the early repeal of this rule. There is a broader point to be made as well, which is that, without restoring credibility to the international aviation standards process, we can have little or no confidence

about any future international standards adopted by the international aviation community through ICAO. That is a very dangerous precedent for the global aviation environment in the future.

#### MAYOR'S PETITION ON THE NO<sub>x</sub> SIP CALL

Mr. VOINOVICH. Mr. President, last year, EPA finalized the NO<sub>x</sub> SIP call, forcing 22 states to submit plans to meet mandated reductions of nitrogen oxide (NO<sub>x</sub>) emissions. Our nation's mayors are concerned that the SIP call will have adverse effects on brownfields redevelopment and economic growth.

Earlier this year, the National Conference of Black Mayors and the U.S. Conference of Mayors held their annual conferences. Over 100 mayors from around the country signed a petition calling on the U.S. Environmental Protection Agency to provide utility energy providers with maximum flexibility and the leadtime necessary to avoid higher energy costs to municipalities and local communities, including industrial and residential consumers.

The mayors are asking U.S. EPA to reconsider how the deadlines set in the NO<sub>x</sub> SIP call could affect electricity reliability in urban and rural areas. In essence our mayor's are saying that any new programs to control NO<sub>x</sub> emission must be weighed against potential economic adverse implications.

Mr. President, the U.S. Court of Appeals issued a stay of EPA's NO<sub>x</sub> SIP call pending a decision on the lawsuit brought by states. Nonetheless, the Mayors' petition represents a common-sense plea to EPA that, should the agency move forward to implement NO<sub>x</sub> reductions, that it do so in a way that allows for compliance in a cost-effective manner that does not adversely impact economic growth or significantly increase utility prices to consumers.

I ask unanimous consent that the petition be printed in the RECORD.

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

#### PETITION

##### EPA OZONE TRANSPORT NO<sub>x</sub> SIP CALL

As part of its Ozone Transport initiative, the Environmental Protection Agency (EPA) has finalized a rulemaking forcing States to submit Implementation Plans (SIPs) to meet mandated reductions of oxides of nitrogen (NO<sub>x</sub>) emissions in the Agency's effort to control inter-state ozone transport impacts. The rule focuses on 22 mid-eastern States, with the likelihood that EPA will expand the application of the rule to several additional States.

Several States have joined in litigation challenging the EPA rule on grounds that it is contrary to congressional intent, an abuse of Agency discretion and disregards traditional Federal/State relationships. EPA has even taken the unprecedented step of threatening to impose its own Federal Implementation Plan (FIP) in the absence of acceptable State action. Several additional States are considering whether to file an amicus

brief in support of the Complaint. The U.S. Court of Appeals recently stayed EPA's NO<sub>x</sub> SIP Call pending appeal of the Court's decision setting aside EPA's new Ozone and Particulate Matter standards.

One element of the rule would force local utilities to control NO<sub>x</sub> emissions at levels unprecedented to date. The reductions are of a magnitude that will require capital intensive technology with likely significant pass-through costs to energy consumers. The unavoidable consequence will be higher energy costs to municipalities and local communities, including industrial and residential consumers alike. As rural and urban communities seek investment to spur economic growth, the shadow of higher energy costs could have significant adverse effects on Brownfields redevelopment and rural/urban revitalization generally.

The EPA compliance deadline are so stringent that electric utilities could be forced to shut down generating plants to install the necessary control equipment within a very short time. This could result in a temporary disruption of electricity supply.

Significant NO<sub>x</sub> emissions reductions will continue to be realized under *existing* mobile and stationary control programs as the Clean Air Act continues to be implemented thus minimizing the need, if any, for such potentially disruptive requirements as called for in the EPA NO<sub>x</sub> rule. This is especially true for local areas in the mid-east that are dealing effectively with ozone compliance challenges. Any new control programs, before being implemented, must be weighed against the potential adverse implications for local rural and urban communities.

Accordingly, by our signatures below, we collectively call on EPA to reconsider the NO<sub>x</sub> rule in light of these concerns. In light of the Court's stay of the NO<sub>x</sub> SIP Call, at a minimum, we urge EPA to provide maximum flexibility to and address lead-time needs of utility energy providers so as to minimize potential adverse economic consequences to local rural and urban communities. Further, we call on EPA to restore balance and cooperation between states and EPA so that States can comply with the rule while protecting their rights to determine the best methods of doing so.

Finally, we direct that copies of this Petition be provided to the President, the Vice President, Members of Congress, Governors and other local officials as are appropriate.

Alabama: Moses, Walter S. Hill.

Arkansas: North Little Rock, Patrick H. Hayes; Marianna, Robert Taylor; Sunset, James Wilburn.

California: Alameda, Ralph J. Appezzato; Fairfield, George Pettygrove; Fresno, Jim Patterson; Inglewood, Rosevelt F. Dorn; Modesto, Richard A. Lang; Turlock, Dr. Curt Andre; Westminster, Frank G. Fry.

Florida: Eatonville, Anthony Grant; Grena, Anthony Baker; North Lauderdale, Jack Brady; South Bay, Clarence Anthony; Tamarac, Joe Schreiber; Titusville, Larry D. Bartley.

Georgia: Augusta, Bob Young; Dawson, Robert Albritten; East Point, Patsy Jo Hiliard; Savannah, Floyd Adams, Jr.; Stone Mountain, Chuck Burris.

Guam: Santa Nita, Joe C. Wesky; Yigo, Robert S. Lizama.

Illinois: Brooklyn, Ruby Cook; Carol Stream, Ross Ferraro; Centerville, Riley L. Owens III; Dekalb, Bessie Chronopoulos; East St. Louis, Gordon Bush; Evanston, Lorraine H. Morton; Glendale Heights, J. Ben Fajardo; Lincolnwood, Madeleine Grant; Robbins, Irene H. Brodie; Rockford, Charles E. Box; Sun River Terrace, Casey Wade, Jr.

Indiana: Carmel, Jim Brainard; Fort Wayne, Paul Helmke.

Louisiana: Boyce, Julius Patrick, Jr.; Chataignier, Herman Malveaux; Cullen,

Bobby R. Washington; Jeanerette, James Alexander, Sr.; Napoleonville, Darrell Jupiter, Sr.; New Orleans, Marc Morial; St. Gabriel, George L. Grace; White Castle, Maurice Brown.

Maine: Lewiston, Kaileigh A. Tara.

Maryland: Seat Pleasant, Eugene F. Kennedy.

Massachusetts: Leominster, Dean J. Mazzarella; Taunton, Robert G. Nunes.

Michigan: Detroit, Dennis Archer; Garden City, James L. Barker; Inkster, Edward Bevin; Muskegon Heights, Robert Warren; Taylor, Gregory E. Pitoniak.

Minnesota: Rochester, Charles J. Canfield; Saint Paul, Nori Coleman.

Mississippi: Fayette, Roger W. King; Glendora, Johnny Thomas; Laurel, Susan Boone Vincent; Marks, Dwight F. Barfield; Pace, Robert Le Flore; Shelby, Erick Holmes; Tutwiler, Robert Grayson; Winstonville, Milton Tutwiler.

Missouri: Kinloch, Bernard L. Turner, Sr. Nebraska: Omaha, Hal Daub.

New Jersey: Chesilhurst, Arland Poindexter; Hope, Timothy C. McDonough; Newark, Sharpe James; Orange, Muis Herchet.

New York: Hempstead, James A. Garner; Rochester, William A. Johnson, Jr.; White Plains, Joseph Delfino.

North Carolina: Charlotte, Pat McCrory; Durham, Nicholas J. Tennyson; Greener, Alfred Dixon.

North Dakota: Fargo, Bruce W. Furness.

Ohio: Columbus, Greg Lashutka; Lyndhurst, Leonard M. Creary; Middleburg Heights, Gary W. Starr.

Oklahoma: Muskogee, Jim Bushnell; Oklahoma City, Kirk D. Humphrey; Tatum, Cecil Jones.

Oregon: Tualatin, Lou Ogden.

Rhode Island: Providence, V.A. Cianci, Jr. South Carolina: Andrews, Lovith Anderson, Sr.; Greenwood, Floyd Nicholson.

Tennessee: Germantown, Sharon Goldsworthy; Knoxville, Victor Ashe.

Texas: Ames, John White; Arlington, Elzie Odom; Beaumont, David Moore; Bedford, Richard D. Hurt; Euless, Mary Lib Salem; Hurst, Bill Souder; Hutchens, Mary Washington; Kendleton, Carolyn Jones; Kyle, James Adkins; North Richland Hills, Charles Scoma; Port Arthur, Oscar G. Ortiz; Waxahatchee, James Beatty.

Virginia: Portsmouth, Dr. James W. Holley III.

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

#### REPORT ON PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

*To the Congress of the United States:*

As required by section 7 of Public Law 105-174, the 1998 Supplemental Appropriations and Rescissions Act, I transmit herewith a 6-month periodic report on progress made toward achieving benchmarks for a sustainable peace process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 23, 1999.

#### REPORTS ENTITLED "MOTOR VEHICLE SAFETY" AND "HIGHWAY SAFETY" FOR CALENDAR YEARS 1996—MESSAGE FROM THE PRESIDENT—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

I transmit herewith the 1996 calendar year reports as prepared by the Department of Transportation on activities under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 26, 1999.

#### MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1427. A bill to authorize the Attorney General to appoint a special counsel to investigate or prosecute a person for a possible violation of criminal law when the Attorney General determines that the appointment of a special counsel is in the public interest.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on July 22, 1999:

EC-4291. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "Central and Southern Florida Project-Comprehensive Review Study"; to the Committee on Environment and Public Works.

EC-4292. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated July 12, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC-4293. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Compromises" (TD 8829), received July 19, 1999; to the Committee on Finance.

EC-4294. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "T.D. 8828, Electronic Funds Transfers of Federal Deposits" (RIN1545-AW41), received July 12, 1999; to the Committee on Finance.

EC-4295. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "August 1999 Applicable Federal Rates" (Revenue Ruling 99-32), received July 19, 1999; to the Committee on Finance.

EC-4296. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "1999 Federal Financial Management Status Report and Five-Year Plan", dated June 1999; to the Committee on Governmental Affairs.

EC-4297. A communication from the Deputy Director for Support, Personal and Family Readiness Division, U.S. Marine Corps, Department of the Navy, transmitting, pursuant to law, a report entitled "Retirement Plan for Civilian Employees of the United States Marine Corps Morale, Welfare and Recreation Activities; The Morale, Welfare and Recreation Support Activity and Miscellaneous Nonappropriated Fund Instrumentalities", dated June 1999; to the Committee on Governmental Affairs.

EC-4298. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to Physicians Comparability Allowances; to the Committee on Governmental Affairs.

EC-4299. A communication from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report for calendar year 1998 of the Resolution Funding Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-4300. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Call for Large Position Reports," received July 13, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-4301. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations; Commerce Control List: Revisions to Categories 1, 2, 3, 4, 5, 6, 7, and 9 Based on Wassenaar Arrangement Review" (RIN0694-AB86), received July 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-4302. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "21 CFR Part 712; Credit Union Service Organizations," received July 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-4303. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "21 CFR Part 712; Credit Union Service Organizations," received July 15, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-4304. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for calendar year 1998 for the Orphans Products Board; to the Committee on Health, Education, Labor, and Pensions.

EC-4305. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for DOE Contractor Employee Protection Program" (RIN1901-AA78), received July 16, 1999; to the Committee on Energy and Natural Resources.