

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, January 27, 1999, at 9:30 a.m.

## ADDITIONAL STATEMENTS

PROTECTING OUR UNDERGROUND  
INFRASTRUCTURE

• Mr. LOTT. Mr. President, the last Congress enacted legislation which protects our nation's vital underground infrastructure. Power cables, telephone lines, water mains and pipelines affect our daily lives, and it is essential that they are given the best protection possible. This legislation, based on S.1115, the Comprehensive One-Call Notification Act, does just that. It provides incentives for states to improve their notification systems—systems which provide for accurate marking of underground facilities, and systems which prevent damage during excavation. This bill became law as part of the Transportation Equity Act for the 21st Century, TEA 21.

I am pleased to report that the response to the one-call legislation has been extremely positive. The truly bipartisan spirit that characterized Congress' approach to the legislation has been carried over into the cooperative spirit of the participants in implementing the bill.

The bill's first mandate convened a study on the best practices in one-call notification. This study will be submitted to Congress in June of this year, and is being carried out by the Office of Pipeline Safety (OPS) of the Department of Transportation. I have received reports that OPS has fully involved those affected by the law in all phases of the design and implementation of the best practices. This has proven to be an excellent model for conducting a cooperative effort between the public and private sectors. Mr. President, I am particularly pleased by the leadership the excavation community has shown in working with one-call center representatives, underground facility operators and others interested in underground infrastructure protection by moving this study process forward.

This study is a bottom-up effort with emphasis on letting those with hands-on experience play leading roles. After a public meeting last August to bring together interested parties, the participants formed nine teams covering various aspects of underground infrastructure protection: one-call center practices, excavation, mapping, locating and marketing, compliance, planning and design, reporting and evaluation, public education, and emerging technologies. The teams are currently gathering information, receiving and

discussing any and all comments, and will produce the first drafts of the chapters for the final report. Team meetings are completely open to interested members of the public. Infact, schedules and minutes are being published on the OPS web page, <http://ops.dot.gov>, under "damage prevention."

Mr. President, the affected parties have checked their differences at the door, have worked together with openness and goodwill, have solved a very important infrastructure problem, and, because there was real world input, it will improve practices in the real world.

Looking ahead, the second phase of the bill calls for the Secretary of Transportation to offer grants to states which encourage improvements in their states' one-call notification systems. I expect the best practices study to significantly help devise criteria for awarding these grants. I hope the President's budget proposal funds these grant activities from general revenues in full recognition of the broad public benefit that accrues from effective underground infrastructure protection.

Mr. President, the process moving forward within the Department of Transportation has enlightened federalism through a government-industry partnership. I congratulate the monitoring the additional steps in the inclusive process to implement the protection of our vital underground infrastructure.●

## TRIBUTE TO FAIRCHILD AFB KC-135 CREW

• Mrs. MURRAY. Mr. President, on January 13th, a Fairchild based KC-135 crashed near Geilenkirchen Air Base in Germany. Today, Team Fairchild and its many supporters gathered at the Spokane Opera House to grieve and to honor the memories of four members of the Washington Air National Guard who perished aboard the KC-135 in the service to our country.

I have had the pleasure of traveling to Fairchild Air Force Base on numerous occasions and meeting with the fine men and women there. They provide an indispensable part of our nation's defense and serve with pride and professionalism. I know that this tragedy hits especially hard on that close-knit community, and so it is with a heavy heart that I join them in their grief.

The four who died in the crash were members of the Washington Air National Guard 141st Air Refueling Wing, based at Fairchild Air Force Base near Spokane, Washington. Members of the 141st Air Refueling Wing were in Germany for training purposes and were participating in a routine NATO flight to refuel surveillance planes. The fallen men were all from Washington state, all family men, and all heroes.

Major David W. Fite, the pilot of the KC-135, was a resident of Bellevue,

Washington. He began his service in the Washington Air National Guard in 1991. He is survived by his wife, a brother and his parents.

Captain Kenneth F. Thiele, co-pilot, was a resident of Spokane, Washington and served in the Washington Air National Guard since September 1998. He is survived by his wife.

Major Matthew F. Laiho, navigator, was a resident of Spokane, Washington and served in the Washington Air National Guard since 1989. He is survived by his wife, two children and his parents.

Technical Sergeant Richard D. Visintainer, boom operator, was also a resident of Spokane, Washington. His service in the Washington Air National Guard began in 1972. He is survived by his former wife and children.

Colonel James Wynne, the Wing Commander, was quoted, "The guard is such a close-knit extended family that this will certainly send a wave of grief throughout the unit. This is a tragic loss." Colonel Wynne is right. Fairchild grieves today, its spirit challenged by tragedy. I know Team Fairchild will serve as a comfort to grieving families and fellow Air Force personnel.

My thoughts and prayers are with the families of Major Fite, Captain Thiele, Major Laiho and Sergeant Visintainer. Each will be missed. Each will be remembered.●

EDUCATION OPPORTUNITIES AND  
EXCELLENCE ACT OF 1999

• Mr. COVERDELL. Mr. President, yesterday, I introduced the Educational Opportunities and Excellence Act of 1999. This legislation represents the Republican vision how we can improve educational opportunities for every American child.

Last year, Congressional Republicans passed an educational agenda to provide every child in America with first-class learning opportunities in safe, secure schools, to give parents new choices and more decision-making power over their children's education, and to bring common-sense reforms to a myriad of redundant and antiquated federal education programs. Unfortunately, the special interests in Washington were resistant to change and fought desperately against our reform efforts. This is what happened:

## WHAT WE PROPOSED AND WHAT HAPPENED

- (1) A+ Accounts—President vetoed.
- (2) Block Grants—Passed Senate, dropped in conference.
- (3) Charter Schools—Signed into law.
- (4) School Choice Pilot Program—President vetoed.
- (5) Teacher Testing/Merit Pay—President vetoed.
- (6) Reading Excellence—Signed into law.
- (7) Teacher and Student Safety—President vetoed.
- (8) Full Funding of IDEA—Increased Funding by over \$500m.

Despite the fierce opposition of our opponents, we will continue our fight to bring the best education possible within the reach of every American

child. Our mission is to ensure that our children are among the best educated in the world, and we will not be dissuaded from accomplishing that goal by any amount of opposition.

Today, we are introducing the Educational Opportunities and Excellence Act of 1999 to build on the Successes of the 105th Congress, and to jump start the much needed debate on increasing the ability of our nation's children to obtain a quality education.

The Educational Opportunities and Excellence Act of 1999 is a broad effort to offer new reforms to K-12 education, and provide incentives for families to save for higher education. It is made up of several titles:

Title 1—the Education savings Account Act of 1999—Under this title, parents will have more control over their children's education through IRA-style savings accounts that allow parents to save money tax-free for elementary and secondary education expenses. This legislation allows parents, grandparents, or scholarship sponsors to contribute up to \$2,000 (post-tax dollars) a year per child for educational expenses while at public, private, religious or home schools—from kindergarten through high school. Last year, this proposal passed both the House and the Senate, but was vetoed by President Clinton.

Title II—Dollars to the Classroom Act—consolidates over 30 separate education programs and sends the money directly to state and local officials to be used to improve educational achievement and learning. The bill requires that 95% of federal education dollars are spent on classroom activities, rather than Washington based bureaucracies.

Title III—Merit Act—provides for an incentive grant program for States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

Title IV—Additional Funding for the Individuals with Disabilities Education—provides additional funding to states to meet the federal mandate under the Individuals with Disabilities Education Act.

Title V—K-12 Community Participation Act—amends the IRS code to allow for a tax credit for elementary and secondary school expenses and for charitable contributions to organizations which provide scholarship to attend private schools. The maximum credit allow is up to \$200 per person in 1999; \$150 in 2000; \$200 in 2001; and \$250 thereafter.

Title VI—Collegiate Learning and Student Savings—extends tax-free treatment to all accumulations of interests and withdrawals from pre-paid college tuition plans.

With the Educational Opportunities and Excellence Act of 1999, we want to lead the Congress in taking the first steps necessary to improve educational opportunities dramatically for every American child. Our agenda—parental

control and involvement, dollars to the classroom, state and local authority, and a return to basic academics—will be fully embraced by parents, teachers and administrators, governors and mayors across the country.●

#### THE AIR TRANSPORTATION IMPROVEMENT ACT

• Mr. DORGAN. Mr. President, earlier this week, I joined the Chairman and Ranking Democrat on the Senate Committee on Commerce, Science, and Transportation in introducing the Air Transportation Improvement Act. While I am pleased to be a cosponsor of this legislation, I am sorry that we are in the position of introducing a bill that should have been passed last year. Due to a number of unfortunate circumstances, including the unqualified mess at the end of the 105th Congress where 8 out of the 13 appropriations bills had to be lumped into a single massive bill, the Congress failed to complete its duty to reauthorize the Federal Aviation Administration (FAA) and related programs in the regular order of doing business. As a result, the FAA and important infrastructure programs such as the Airport Improvement Programs, were only extended until the end of March 1999. Thus, we are forced to begin the new Congress by taking up last year's business.

The FAA bill introduced yesterday needs to be one of the first priorities of this Congress. This is the case not only because of the pressing deadline of the short term extension, but also because this legislation contains some very important policy initiatives that will inject more airline competition and improve air service to small communities. While I support the general thrust of this legislation, I still believe that we need to consider some adjustments to this legislation. In particular, I believe that the Small Community Air Service Development Program established under this legislation is too modest in size to have much of an impact. Since the deregulation of the airline industry two decades ago, hundreds of small communities have experienced service degradation and many have lost service altogether. Vast geographic regions of our country have suffered unacceptable geographic isolation as the airlines have withdrawn service in smaller communities. This trend needs the serious attention of the Congress and the Department of Transportation.

Thanks to the bipartisan cooperation on this legislation among the leadership of the Senate Commerce Committee, we have developed the Small Community Air Service Development Program which could go a long way to address the small community air service problems. However, the authorization level proposed in the legislation introduced yesterday does not provide adequate enough resources for this demonstration program to make much of a

difference. I hope that as the Commerce Committee works on this bill that we will be able to increase the authorization levels for this important new program.

I also realize that there is some serious controversy surrounding some provisions in this bill. It is my hope that we will be able to reach some fair compromises over the contentious provisions and that this bill will pass the Congress in very short order.

I want to commend Chairman McCAIN and Senator HOLLINGS for their leadership on this legislation. I know that there is a strong desire on both sides of the aisle to work on this legislation and pass it as soon as possible.●

#### TRIBUTE TO DAVID W. DENNIS

• Mr. LUGAR. Mr. President, I rise to pay tribute to a much-loved and respected Hoosier statesman, David Worth Dennis, who passed away on January 6, 1999, at the age of 86. David Dennis represented the eastern section of the State of Indiana in the United States House of Representatives from 1969 to 1975. He served with great courage and distinction on the House Judiciary Committee during the difficult Watergate period.

David Dennis' commitment to public service began before and extended beyond his three terms in the House of Representatives. After his graduation from Earlham College and Harvard Law School, he began his career practicing law in Richmond, Indiana. He then served as the prosecuting attorney for Wayne County, Indiana, and then as a First Lieutenant in the JAG Corps of the U.S. Army. He served in the Pacific theater at the end of World War II. Shortly after he came home to Indiana in 1946, he won a seat in the Indiana General Assembly, where he served a total of four terms.

I first met Dave during his service in the Indiana House of Representatives, and I frequently corresponded with him during his United States Congressional service. I was pushing the extension of the "New Federalism," in which states and cities obtained and exercised more responsibility. I also was advocating general revenue sharing in which the federal government would send money to states and cities without strings attached in order that the discharge of these additional responsibilities could be paid for. Dave was enthusiastic about diminishing federal prerogatives, but somewhat less enthusiastic about a distribution of federal revenues.

Our coming together on the campaign trail in 1974 led to enormous mutual respect. The Judiciary Committee was a battleground for efforts to impeach President Richard Nixon. Dave was a very loyal Republican but, even more importantly, he was a scholarly and thoughtful legislator who believed that insufficient evidence had been produced to vote for articles of impeachment in the Committee. As additional evidence withheld by President