United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, MONDAY, OCTOBER 4, 1999 *No. 132*

Senate

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Source of all the blessings, of life, You have made us rich spiritually. As we begin this new week, we realize that You have placed in our spiritual bank account, abundant deposits for the work of this week. You assure us of Your everlasting, loving kindness. You give us the gift of faith to trust You for exactly what we will need each hour of the busy week ahead. You promise to go before us, preparing people and circumstances so we can accomplish our work without stress or strain. You guide us when we ask You for help. You give us gifts of wisdom, discernment knowledge of Your will, prophetic speech, and hopeful vision. Help us to draw on the constantly replenished spiritual reserves You provide. Bless the Senators this week with great trust in You, great blessings from You, and great effectiveness for You. You are our Lord and Savior. Amen.

The PRESIDENT pro tempore. We are glad to have the Chaplain back with us.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Ohio is recognized.

WELCOME BACK

Mr. VOINOVICH. Mr. President, first of all, all of us welcome back our Chaplain, Lloyd Ogilvie. We are thankful to Almighty God that the Holy Spirit inspired the medical providers so that he could be back with us to continue to inspire us and keep our feet to the ground and our eyes to the heavens.

SCHEDULE

Mr. VOINOVICH. Today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin consideration of the Federal Aviation Administration reform bill. By previous consent, the Senate will also begin debate on three judicial nominations with votes scheduled to occur on those nominations at 2:15 p.m. on Tuesday in a stacked sequence. Also by previous consent, the Senate will conduct a rollcall vote at 5:30 today on the adoption of the Transportation appropriations conference report. Following that vote, Senators can also expect votes with respect to the FAA bill. For the remainder of the week, the Senate will continue debate on the FAA reform bill, complete action on the Labor-HHS bill, and consider nominations and conference reports that are available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 with Senators permitted to speak up to 10 minutes each and the time to be equally divided between the two leaders or their designees.

The Senator from Ohio.

(The remarks of Mr. VOINOVICH pertaining to the introduction of S.J. Res. 35 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I understand that Senators are permitted to speak 10 minutes now and we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO JAMES THOMAS ''TONY'' ANDERSON

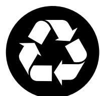
Mr. ROBERTS. Mr. President, those of us who are privileged to serve in the Senate are also privileged to become associated with a great many people who also serve our Nation's Capitol and, in turn, better enable us to meet our responsibilities.

They also serve the true ''owners'' of this Capitol Building, the many men, women, and children who visit this very historic place to see firsthand ''their'' Capitol, their symbol of America, and the freedoms that we all enjoy.

Despite the fact they do a good job, they are mostly unsung. I am talking about the 1,600 employees of the Senate. If you count our fine U.S. Capitol Police force, that number goes over 2,000.

Today, I rise to pay tribute to one such employee, former Hill staffer, James Thomas ''Tony'' Anderson, who passed away this past August.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**



Printed on recycled paper.

For the past 5 years, the Senate's appointment desk, just one floor from this Chamber, was where Tony always greeted people with a smile and made them feel very special. In this tribute to him, I also speak for his coworkers and friends, Joy Ogdon, Christine Catucci, and Laura Williams.

Mr. President, I first met Tony Anderson when I worked for Kansas Senator Frank Carlson and was a good friend with his mother, Margaret, who was a long-time and valued member of the Carlson staff.

Like many of our dedicated employees, Mr. Anderson was never far from Capitol Hill. He was born in the old Providence Hospital at Third and E Streets N.E., and Tony got his training early and from some of the best. While still in high school, and later in college, he worked in various capacities for many Senators; the list reads similar to a Who's Who of the Senate during those years. I am talking about Senator Russell Long, Senator Leverett Saltonstall, Senator John Kennedy, Senator George Murphy, and Senator Frank Carlson.

He graduated from Anacostia High School and later attended Federal City College, Montgomery College, and later the University of the District of Columbia.

James Thomas Anderson was also Brother Bernard, junior Profess member of the Order of St. Francis, a Holy Order within the Episcopal Church, located at Little Portion Monastery in New York. His chosen service within the Order of St. Francis was commensurate with his strong support of human and animal rights. Upon his return from the monastery, he worked for the Architect of the National Cathedral.

Mr. Anderson's life took a turn from Washington as a result of being a waiter at the old Carroll Arms Hotel Restaurant, where his interest in wines led him to a successful career that took him to the vineyards of Italy, France, Germany, and Spain. With his knowledge of wine and cheeses, he helped to open the Capitol Hill Wine and Cheese Shop, one of the first business successes that led to the revitalization of Capitol Hill.

He later became the sommelier at the Watergate Terrace, the Four Seasons, Jean Louis at the Watergate, and then to the Hay Adams Hotel. Mr. Anderson was instrumental in getting the Four Seasons' wine and beverage program started.

Tony Anderson then returned to the Capitol, working in the Senate Restaurant and Banquet Department. He could tell many accounts of serving First Ladies, visiting dignitaries, and even a luncheon for the Queen of England. No one did it better or with more elegance and propriety than Tony.

Mr. Anderson left the Senate Restaurant, and for the past 5 years served on the Senate Appointments Desk. In that capacity, he was a natural. Tony Anderson was born in the city, grew up in the city. He loved the city and the Senate dearly. He truly enjoyed people, made them feel welcome, and if they had a moment, he made their visit to our Capitol special with all of his stories and experiences.

I am not sure when he told me who he was. As I indicated, we were friends when I worked for Senator Frank Carlson a long time ago. For me and for most who have worked here as pages, interns, employees, and staffers—and, yes, also as Members of Congress—each experience, each person and, yes, even the places, are like a special collage etched in your memory.

I can't remember exactly when it was, but I know I was coming from the Hart Building; I decided not to take the elevator to get to the first floor but to take the old stairs that I used when I was an intern for Senator Frank Carlson; they lead to the Senate Foreign Relations Committee room. Well, I turned right and was hurrying on my way, glancing at those ever-present appointment cards, when I heard Tony:

> Hey, Pat, remember me? I'm Tony Anderson, Margaret Anderson's son.

And there he was, with a bow tie and a smile, the same smile and always pleasant demeanor that made him special to his family, coworkers, and friends—not to mention everyone he ever served and helped, from the Queen of England to John Q. Public, visitor to our Nation's Capitol.

Mr. Anderson died at the age of 57. He is survived by his sister, Karen Anderson Cramer of Ocean Pines, MD. He was preceded in death by his parents, James and Margaret Anderson, and Edward Brodniak, his life partner of 32 years.

Tony, thanks and godspeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AIR TRANSPORTATION IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the Air Transportation Improvement Act, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (S. 82) to authorize appropriations for the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 82

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

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Air Transportation Improvement Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Reprogramming notification requirement.
Sec. 105. Airport security program.
Sec. 106. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.
Sec. 202. Innovative use of airport grant funds.
Sec. 203. Matching share.
Sec. 204. Increase in apportionment for noise compatibility planning and programs.
Sec. 205. Technical amendments.
Sec. 206. Report on efforts to implement capacity enhancements.
Sec. 207. Prioritization of discretionary projects.
Sec. 208. Public notice before grant assurance requirement waived.
Sec. 209. Definition of public aircraft.
Sec. 210. Terminal development costs.
Sec. 211. Airfield pavement conditions.
Sec. 212. Discretionary grants.

TITLE III—AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.
[Sec. 302. Foreign carriers eligible for waiver under Airport Noise and Capacity Act.**]**
Sec. 302. Limited transportation of certain aircraft.
Sec. 303. Government and industry consortia.
Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.
Sec. 305. Foreign aviation services authority.
Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.
Sec. 307. Extension of Aviation Insurance Program.
Sec. 308. Technical corrections to civil penalty provisions.
Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 310. Nondiscriminatory interline interconnection requirements.

TITLE IV—MISCELLANEOUS

Sec. 401. Oversight of FAA response to year 2000 problem.

Sec. 402. Cargo collision avoidance systems deadline.
Sec. 403. Runway safety areas; precision approach path indicators.
Sec. 404. Airplane emergency locators.
Sec. 405. Counterfeit aircraft parts.
Sec. 406. FAA may fine unruly passengers.
Sec. 407. Higher standards for handicapped access.
Sec. 408. Conveyances of United States Government land.
Sec. 409. Flight operations quality assurance rules.
Sec. 410. Wide area augmentation system.
Sec. 411. Regulation of Alaska air guides.
Sec. 412. Application of FAA regulations.
Sec. 413. Human factors program.
Sec. 414. Independent validation of FAA costs and allocations.
Sec. 415. Whistleblower protection for FAA employees.
Sec. 416. Report on modernization of oceanic ATC system.
Sec. 417. Report on air transportation oversight system.
Sec. 418. Recycling of EIS.
Sec. 419. Protection of employees providing air safety information.
Sec. 420. Improvements to air navigation facilities.
Sec. 421. Denial of airport access to certain air carriers.
Sec. 422. Tourism.
Sec. 423. Equivalency of FAA and EU safety standards.
Sec. 424. Sense of the Senate on property taxes on public-use airports.
Sec. 425. Federal Aviation Administration Personnel Management System.
Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.
[Sec. 427. Report on enhanced domestic airline competition.]
Sec. 427. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
Sec. 428. Aircraft situational display data.
Sec. 429. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Charlotte-London route.
Sec. 430. To express the sense of the Senate concerning a bilateral agreement between the United States and the United Kingdom regarding Cleveland-London route.
Sec. 431. Allocation of Trust Fund funding.
Sec. 432. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 433. Airline marketing disclosure.
Sec. 434. Certain air traffic control towers.
Sec. 435. Compensation under the Death on the High Seas Act.
Sec. 436. FAA study of breathing hoods.
Sec. 437. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.
Sec. 438. Passenger facility fee letters of intent.
Sec. 439. Elimination of HAZMAT enforcement backlog.
Sec. 440. FAA evaluation of long-term capital leasing.

TITLE V—AVIATION COMPETITION PROMOTION

Sec. 501. Purpose.
Sec. 502. Establishment of small community aviation development program.
Sec. 503. Community-carrier air service program.
Sec. 504. Authorization of appropriations.
Sec. 505. Marketing practices.
Sec. 506. Slot exemptions for nonstop regional jet service.
Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.
Sec. 509. Consumer notification of e-ticket expiration dates.
Sec. 510. Regional air service incentive options.
Sec. 511. GAO study of air transportation needs.

TITLE VI—NATIONAL PARK OVERFLIGHTS

Sec. 601. Findings.
Sec. 602. Air tour management plans for national parks.
Sec. 603. Advisory group.
Sec. 604. Overflight fee report.
Sec. 605. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

Sec. 701. Restatement of 49 U.S.C. 106(g).
Sec. 702. Restatement of 49 U.S.C. 44909.

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

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

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration $5,631,000,000 for fiscal year 1999 and $5,784,000,000 for fiscal year 2000. Of the amounts authorized to be appropriated for fiscal year 1999, not more than $9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

''(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

''(3) UNIVERSITY CONSORTIUM.—There are authorized to be appropriated not more than $9,100,000 for the 3 fiscal year period beginning with fiscal year 1999 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

''(A) may not be used for the construction of a building or other facility; and

''(B) shall be awarded on the basis of open competition.''.

(b) COORDINATION.—The authority granted the Secretary under section 41720 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) for fiscal year 1999—

''(A) $222,800,000 for engineering, development, test, and evaluation: en route programs;

''(B) $74,700,000 for engineering, development, test, and evaluation: terminal programs;

''(C) $108,000,000 for engineering, development, test, and evaluation: landing and navigational aids;

''(D) $17,790,000 for engineering, development, test, and evaluation: research, test, and evaluation equipment and facilities programs;

''(E) $391,358,300 for air traffic control facilities and equipment: en route programs;

''(F) $492,315,500 for air traffic control facilities and equipment: terminal programs;

''(G) $38,764,400 for air traffic control facilities and equipment: flight services programs;

''(H) $50,500,000 for air traffic control facilities and equipment: other ATC facilities programs;

''(I) $162,400,000 for non-ATC facilities and equipment programs;

''(J) $14,500,000 for training and equipment facilities programs;

''(K) $280,800,000 for mission support programs;

''(L) $235,210,000 for personnel and related expenses; and

''(2) $2,189,000,000 for fiscal year 2000.''.

(b) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking ''fiscal years 1995 and 1996'' and inserting ''fiscal years 1999 and 2000''; and

(2) by striking ''acquisition,'' and inserting ''acquisition under new or existing contracts,''.

(c) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) EXTENSION AND AUTHORIZATION.—Section 48103 is amended by striking ''$1,205,000,000 for the 6-month period beginning October 1, 1998.'' and inserting ''$2,410,000,000 for fiscal years ending before October 1, 1999, and $4,885,000,000 for fiscal years ending before October 1, 2000.''.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) is amended by striking ''March 31, 1999,'' and inserting ''September 30, 2000,''.

SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 105. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

''§47136. Airport security program

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative airport security systems and related technology.

''(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

''(1) evaluates and tests the benefits of innovative airport security systems or related

technology, including explosives detection systems, for the purpose of improving airport and aircraft physical security and access control; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, [test bed] *testbed* environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

''47136. Airport security program.''.

SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

''(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

''(c) LIMITATION—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term 'innovative financing technique' includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

''(1) payment of interest;

''(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

''(3) flexible non-Federal matching requirements.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

''47135. Innovative financing techniques.''.

SEC. 203. MATCHING SHARE.

Section 47109(a)(2) is amended by inserting ''not more than'' before ''90 percent''.

SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 47117(e)(1)(A) is amended by striking ''31'' each time it appears and [substituting] *inserting* ''35''.

SEC. 205. TECHNICAL AMENDMENTS.

(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

''(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.''.

(b) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) by striking ''ALTERNATIVE'' in the subsection caption and inserting ''SUPPLEMENTAL'';

(2) in paragraph (1) by—

(A) striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''Notwithstanding''; and

(B) striking ''those airports'' and inserting ''airports in Alaska''; and

(3) striking paragraph (3) and inserting the following:

''(3) An amount apportioned under this subsection may be used for any public airport in Alaska.''.

(c) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) DISCRETIONARY FUND DEFINITION.—

(1) Section 47115 is amended—

(A) by striking ''25'' in subsection (a) and inserting ''12.5''; and

(B) by striking the second sentence in subsection (b).

(2) Section 47116 is amended—

(A) by striking ''75'' in subsection (a) and inserting ''87.5'';

(B) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

''(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

''(2) the remaining amounts based on the following:''.

(e) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end thereof the following:

''(e) CHANGE IN AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.''.

(f) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIRPORTS.—Section 47102(17)(B) is amended by—

(1) striking ''or'' at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) inserting after clause (i) the following:

''(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or''.

(g) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking ''or reliever''.

(h) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''payment.'' in subparagraph (C) and inserting ''payment; [and'';] and

(3) by adding at the end thereof the following:

''(D) in Alaska aboard an aircraft having a seating capacity of less than 20 [passengers.''.] *passengers; and*

''(E) on flights, including flight segments, between 2 or more points in Hawaii.''.

(i) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking ''transportation.'' in paragraph (2)(D) and inserting ''transportation; and''; and

(3) by adding at the end thereof the following:

''(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers enplaned on a flight to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.''.

(j) USE OF THE WORD ''GIFT'' AND PRIORITY FOR AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

(1) Section 47151 is amended—

(A) by striking ''give'' in subsection (a) and inserting ''convey to'';

(B) by striking ''gift'' in subsection (a)(2) and inserting ''conveyance'';

(C) by striking ''giving'' in subsection (b) and inserting ''conveying'';

(D) by striking ''gift'' in subsection (b) and inserting ''conveyance''; and

(E) by adding at the end thereof the following:

''(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.''.

(2) Section 47152 is amended—

(A) by striking ''**gifts**'' in the section caption and inserting ''**conveyances**''; and

(B) by striking ''gift'' in the first sentence and inserting ''conveyance''.

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

(4) Section 47153(a) is amended—

(A) by striking ''gift'' in paragraph (1) and inserting ''conveyance'';

(B) by striking ''given'' in paragraph (1)(A) and inserting ''conveyed''; and

(C) by striking ''gift'' in paragraph (1)(B) and inserting ''conveyance''.

(k) MINIMUM APPORTIONMENT.—Section 47114(c)(1)(B) is amended by adding at the end thereof the following: ''For fiscal years beginning after fiscal year 1999, the preceding sentence shall be applied by substituting '$650,000' for '$500,000'.''.

[*(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.*]

(l) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—

(1) Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.

(2) Section 47114(c)(2) is further amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(m) TEMPORARY AIR SERVICE INTERRUPTIONS.—Section 47114(c)(1) is amended by adding at the end thereof the following:

''(C) The Secretary may, notwithstanding subparagraph (A), apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

''(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''.

[(l)] *(n)* FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.—Section 47114(d) is amended by adding at the end thereof the following:

''(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

''(A) safety will not be negatively affected; and

''(B) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.''.

(o) ELIGIBILITY OF RUNWAY INCURSION PREVENTION DEVICES.—

(1) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''activities''.

(2) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(A) by striking ''and'' at the end of paragraph (9); and

(B) by striking ''area.'' in paragraph (10) and inserting ''area; and''; and

(C) by adding at the end the following:

''(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.''.

(3) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3)(B)(ii) is amended by inserting ''and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end.

SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, *both technical and procedural,* such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) adding at the end thereof the following:

''(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.''.

SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) EFFECTIVE DATE.—This section applies to any request filed on or after the date of enactment of this Act.

SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.

Section 40102(a)(37)(B)(ii) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by striking the ''States.'' in subclause (II) and inserting ''States; or''; and

(3) by adding at the end thereof the following:

''(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.''.

SEC. 210. TERMINAL DEVELOPMENT COSTS.

Section 40117 is amended by adding at the end thereof the following:

''(j) SHELL OF TERMINAL BUILDING.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).''.

SEC. 211. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator of the Federal Aviation Administration shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

SEC. 212. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

TITLE III—AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) Chapter 401 is amended by adding at the end thereof the following:

''§ 40125. Severable services contracts for periods crossing fiscal years

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

''(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

''40125. Severable services contracts for periods crossing fiscal years.''.

[SEC. 302. FOREIGN CARRIERS ELIGIBLE FOR WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

[The first sentence of section 47528(b)(1) is amended by inserting ''or foreign air carrier'' after ''air carrier'' the first place it appears and after ''carrier'' the first place it appears.]

SEC. 302. LIMITED TRANSPORTATION OF CERTAIN AIRCRAFT.

Section 47528(e) is amended by adding at the end thereof the following:

''(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order to—

''(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''.

SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end thereof the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

''(A) Article 12 (Rules of the Air).

''(B) Article 31 (Certificates of Airworthiness).

''(C) Article 32a (Licenses of Personnel).

''(2) The agreement under paragraph (1) may apply to—

''(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

''(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

''(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

''(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.''.

SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

[Section 45301 is amended by striking ''government.'' in subsection (a)(2) and inserting ''government or to any entity obtaining services outside the United States.''.]

Section 45301(a)(2) is amended to read as follows:

''(2) Services provided to a foreign government or to any entity obtaining services outside the United States other than—

''(A) air traffic control services; and

''(B) fees for production-certification-related service (as defined in Appendix C of part 187 of title 14, Code of Federal Regulations) performed outside the United States.''.

SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended—

(1) by striking ''subparagraph (C))'' in subsection (a)(1)(B) and inserting ''subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)'';

(2) by striking ''individual'' in subsection (f)(1)(B)(ii) and inserting ''individual's performance as a pilot''; and

(3) by inserting ''or from a foreign government or entity that employed the individual,'' in subsection (f)(14)(B) after ''exists,''.

SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 is amended by striking ''March 31, 1999.'' and inserting ''December 31, 2003.''.

SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) by striking ''46302, 46303, or'' in subsection (a)(1)(A);

(2) by striking ''*an* individual'' the first time it appears in subsection (d)(7)(A) and inserting ''*a* person''; and

(3) by inserting ''or the Administrator'' in subsection (g) after ''Secretary''.

SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

''(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

''(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

''(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

''(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

''(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

''(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

''(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

''(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

''(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

''(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

''46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.''.

SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§41717. Interline agreements for domestic transportation

''(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the [agreement.''.] *agreement.*

''(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41717. Interline agreements for domestic transportation.''.

TITLE IV—MISCELLANEOUS

SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a payload capacity of 15,000 kilograms or more.

(b) EXTENSION.—The Administrator may extend the deadline imposed by subsection (a) for not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) COLLISION AVOIDANCE EQUIPMENT.—For purposes of this section, the term ''collision

avoidance equipment'' means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administration for collision avoidance purposes.

SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

SEC. 404. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

''(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) showing compliance with regulations, exhibition, or air racing; or

''(5) the aerial application of a substance for an agricultural purpose.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft is deemed to meet the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 405. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end thereof the following:

''§ 44725. Denial and revocation of certificate for counterfeit parts violations

''(a) DENIAL OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

''(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

''(b) REVOCATION OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

''(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) knowingly carried out or facilitated an activity punishable under such a law.

''(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

''(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

''(1) advise the holder of the certificate of the reason for the revocation; and

''(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

''(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, 'person' shall be substituted for 'individual' each place it appears.

''(e) AQUITTAL OR REVERSAL.—

''(1) IN GENERAL.—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

''(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

''(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

''(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

''(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

''(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

''(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; or

''(2) the waiver will facilitate law enforcement efforts.

''(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

''(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

''(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

''44725. Denial and revocation of certificate for counterfeit parts violations''.

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end thereof the following:

''(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART DEALERS.—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.''.

SEC. 406. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 [is amended by redesignating section 46316 as section 46217, and by inserting after section 46317 the following:] *(as amended by section 309) is amended by adding at the end thereof the following:*

''§ [46316.] *46318.* Interference with cabin or flight crew

''(a) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

''(b) COMPROMISE AND SETOFF.—

''(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

''(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.''.

(b) CONFORMING CHANGE.—The chapter analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

''46316. Interference with cabin or flight crew.

''46317. General criminal penalty when specific penalty not provided.''.

SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.

(a) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) INVESTIGATION OF ALL COMPLAINTS REQUIRED.—Section 41705 is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''In providing'';

(2) striking ''carrier'' and inserting ''carrier, including any foreign air carrier doing business in the United States,''; and [after ''In providing air transportation, an air carrier''; and]

(3) adding at the end thereof the following:

''(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Each separate act of discrimination prohibited by subsection (a) constitutes a separate violation of that subsection.

''(c) INVESTIGATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall investigate each complaint of a violation of subsection (a).

''(2) PUBLICATION OF DATA.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

''(3) EMPLOYMENT.—The Secretary is authorized to employ personnel necessary to enforce this section.

''(4) REVIEW AND REPORT.—The Secretary or a person designated by the Secretary within the Office of Civil Rights shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability, and report annually to Congress on the results of such review.

''(5) TECHNICAL ASSISTANT.—Not later than 180 days after enactment of the Air Transportation and Improvement Act, the Secretary shall—

''(A) implement a plan, in consultation with the Department of Justice, United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

''(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or duties under this section.''.

[(b)] *(c)* INCREASED CIVIL PENALTIES.—Section 46301(a) is amended by—

(1) inserting ''41705,'' after ''41704,'' in paragraph (1)(A); and

(2) adding at the end thereof the following:

[''(7) Unless an air carrier that violates section 41705 with respect to an individual provides that individual a credit or voucher for the purchase of a ticket on that air carrier or any affiliated air carrier in an amount (determined by the Secretary) of—

[''(A) not less than $500 and not more than $2,500 for the first violation; or

[''(B) not less than $2,500 and not more than $5,000 for any subsequent violation, then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined. For purposes of this paragraph, each act of discrimination prohibited by section 41705 constitutes a separate violation of that section.''.]

''(7) VIOLATION OF SECTION 41705.—

''(A) CREDIT; VOUCHER; CIVIL PENALTY.— Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of—

''(i) not less than $500 and not more than $2,500 for the first violation; or

''(ii) not less than $2,500 and not more than $5,000 for any subsequent violation,

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

''(B) REMEDY NOT EXCLUSIVE.—Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or to limit claims for compensatory or punitive damages asserted in such cases.

''(C) ATTORNEY'S FEES.—In addition to the penalty provided by subparagraph (A), an individual who—

''(i) brings a civil action against an air carrier to enforce this section; and

''(ii) who is awarded damages by the court in which the action is brought,

may be awarded reasonable attorneys' fees and costs of litigation reasonably incurred in bringing the action if the court deems it appropriate.''.

SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

(a) IN GENERAL.—Section 47125(a) is amended to read as follows:

''(a) CONVEYANCES TO PUBLIC AGENCIES.—

''(1) REQUEST FOR CONVEYANCE.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

''(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

''(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

''(2) RESPONSE TO REQUEST FOR CERTAIN CONVEYANCES.—Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall—

''(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(B) notify the Secretary of the decision; and

''(C) make the requested conveyance if—

''(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(ii) the Attorney General approves the conveyance; and

''(iii) the conveyance can be made without cost to the United States Government.

''(3) REVERSION.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.''.

(b) RELEASE OF CERTAIN CONDITIONS.—Section 47125 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

''(b) RELEASE OF CERTAIN CONDITIONS.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

''(1) determines that the property is no longer needed for aeronautical purposes;

''(2) determines that the property will be used solely to generate revenue for the public airport;

''(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

''(4) provides notice to the public of the requested release;

''(5) includes in the release a written justification for the release of the property; and

''(6) determines that release of the property will advance civil aviation in the United States.''.

(c) EFFECTIVE DATE.—Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) IDITAROD AREA SCHOOL DISTRICT.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from [civil enforcement action under the program known as Flight Operations Quality Assurance.] *enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.* Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing those procedures.

SEC. 410. WIDE AREA AUGMENTATION SYSTEM.

(a) PLAN.—The Administrator shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administration shall continue to develop and maintain a backup system.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS DEFINED.—For purposes of this section, the term ''WAAS'' means wide area augmentation system.

(d) FUNDING AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 411. REGULATION OF ALASKA AIR GUIDES.

The Administrator shall reissue the notice to operators originally published in the Federal Register on January 2, 1998, which advised Alaska guide pilots of the applicability of part 135 of title 14, Code of Federal Regulations, to guide pilot operations. In reissuing the notice, the Administrator shall provide for not less than 60 days of public comment on the Federal Aviation Administration action. If, notwithstanding the public comments, the Administrator decides to proceed with the action, the Administrator shall publish in the Federal Register a notice justifying the Administrator's decision and providing at least 90 days for compliance.

[SEC. 412. APPLICATION OF FAA REGULATIONS.]

SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.

[Section 40113] *(a) APPLICATION OF FAA REGULATIONS.—Section 40113* is amended by adding at the end thereof the following:

''(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting

intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.''.

(b) AVIATION CLOSED CIRCUIT TELEVISION.—The Administrator of the Federal Aviation Administration, in consultation with commercial and general aviation pilots, shall install closed circuit weather surveillance equipment at not fewer that 15 rural airports in Alaska and provide for the dissemination of information derived from such equipment to pilots for preflight planning purposes and en route purposes, including through the dissemination of such information to pilots by flight service stations. There are authorized to be appropriated $2,000,000 for the purposes of this subsection.

(c) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator of the Federal Aviation Administration and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall develop and implement a ''mike-in-hand'' weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

(d) RURAL IFR COMPLIANCE.—There are authorized to be appropriated $4,000,000 to the Administrator for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

SEC. 413. HUMAN FACTORS PROGRAM.

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

''§ 44516. Human factors program

''(a) OVERSIGHT COMMITTEE.—The Administrator of the Federal Aviation Administration shall establish an advanced qualification program oversight committee to advise the Administrator on the development and execution of Advanced Qualification Programs for air carriers under this section, and to encourage their adoption and implementation.

''(b) HUMAN FACTORS TRAINING.—

''(1) AIR TRAFFIC CONTROLLERS.—The Administrator shall—

''(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

''(B) respond to the recommendations made by the National Research Council.

''(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with the aviation industry to develop specific training curricula, within 12 months after the date of enactment of the Air Transportation Improvement Act, to address critical safety problems, including problems of pilots—

''(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

''(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

''(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

''(D) in landing and approaches, including nonprecision approaches and go-around procedures.

''(c) ACCIDENT INVESTIGATIONS.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

''(d) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

''(e) ADVANCED QUALIFICATION PROGRAM DEFINED.—For purposes of this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.''.

(b) AUTOMATION AND ASSOCIATED TRAINING.—The Administrator shall complete the Administration's updating of training practices for *flight deck* automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

''44516. Human factors program.''.

SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) DEADLINE.—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) FUNDING.—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

SEC. 415. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of Public Law 104–50 (49 U.S.C. 106, note) is amended by striking ''protection;'' and inserting ''protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;''.

SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Beginning in 2000, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

SEC. 418. RECYCLING OF EIS.

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation,

terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or will testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—

''(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

''(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

''(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

''(i) filing of the complaint;

''(ii) allegations contained in the complaint;

''(iii) substance of evidence supporting the complaint; and

''(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—

''(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

''(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

''(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

''(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted [expeditiously.] *expeditiously and governed by the Federal Rules of Civil Procedure.* If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

''(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

''(I) provides relief in accordance with this paragraph; or

''(II) denies the complaint.

''(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

''(i) take action to abate the violation;

''(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

''(iii) provide compensatory damages to the complainant.

''(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

''(4) FRIVOLOUS COMPLAINTS.—Rule 11 of the Federal Rules of Civil Procedure applies to any complaint brought under this section that the Secretary finds to be frivolous or to have been brought in bad faith.

''[(4)] *(5)* REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—

''(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

''(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''[(5)] *(6)* ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

''(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

''[(6)] *(7)* ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

''(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the [United States.''.] *United States.*

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking ''subchapter II of chapter 421,'' and inserting ''subchapter II or III of chapter 421,''.

SEC. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

Section 44502(a) is amended by adding at the end thereof the following:

''(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

''(A) the improvements primarily benefit the government;

''(B) are essential for mission accomplishment; and

''(C) the government's interest in the improvements is protected.''.

SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 47107 is amended by adding at the end thereof the following:

''(q) DENIAL OF ACCESS.—

''(1) EFFECT OF DENIAL.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

''(2) AIRPORTS TO WHICH SUBSECTION APPLIES.—An airport is described in this paragraph if it—

''(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

''(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

''(C) is located within a 35-mile radius of an airport that has—

''(i) at least 0.05 percent of the total annual boardings in the United States; and

''(ii) current gate capacity to handle the demands of a public charter operation.

''(3) AIR CARRIERS DESCRIBED.—An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

''(4) DEFINITIONS.—In this subsection:

''(A) AIR CARRIER; AIR TRANSPORTATION; AIRCRAFT; AIRPORT.—The terms 'air carrier', 'air transportation', 'aircraft', and 'airport' have the meanings given those terms in section 40102 of this title.

''(B) PUBLIC CHARTER.—The term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.''.

SEC. 422. TOURISM.

(a) FINDINGS.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of $127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of $489,000,000,000 in total expenditures.

(D) The industry generated $71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than $98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than $26,000,000,000;

(4) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by—

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) PURPOSES.—The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the ''Task Force'').

(2) DUTIES.—The Task Force shall examine—

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) CHAIRMAN.—The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) TRAVEL AND TOURISM INDUSTRY SATELLITE SYSTEM OF ACCOUNTING.—

(1) IN GENERAL.—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) FUNDING.—To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) RESTRICTIONS ON USE OF FUNDS.—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) REPORT TO CONGRESS.—Not later than March 30 of each year in which funds are

made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth—

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

SEC. 423. EQUIVALENCY OF FAA AND EU SAFETY STANDARDS.

The Administrator of the Federal Aviation Administration shall determine whether the Administration's safety regulations are equivalent to the safety standards set forth in European Union Directive 89/336EEC. If the Administrator determines that the standards are equivalent, the Administrator shall work with the Secretary of Commerce to gain acceptance of that determination pursuant to the Mutual Recognition Agreement between the United States and the European Union of May 18, 1998, in order to ensure that aviation products approved by the Administration are acceptable under that Directive.

SEC. 424. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

SEC. 425. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following:

''(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.''.

(b) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

''(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.''.

SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator of the Federal Aviation Administration—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA TO REQUEST INFORMATION FROM FOREIGN AIRCRAFT REPAIR STATIONS.—

(1) COLLECTION OF INFORMATION.—The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA TO REQUEST INFORMATION ABOUT DOMESTIC AIRCRAFT REPAIR STATIONS.—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) ANNUAL REPORT TO CONGRESS.—The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) DEFINITIONS.—Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

[SEC. 427. REPORT ON ENHANCED DOMESTIC AIRLINE COMPETITION.

[(a) FINDINGS.—The Congress makes the following findings:

[(1) There has been a reduction in the level of competition in the domestic airline business brought about by mergers, consolidations, and proposed domestic alliances.

[(2) Foreign citizens and foreign air carriers may be willing to invest in existing or start-up airlines if they are permitted to acquire a larger equity share of a United States airline.

[(b) STUDY.—The Secretary of Transportation, after consulting the appropriate Federal agencies, shall study and report to the Congress not later than June 30, 1999, on the desirability and implications of—

[(1) decreasing the foreign ownership provision in section 40102(a)(15) of title 49, United States Code, to 51 percent from 75 percent; and

[(2) changing the definition of air carrier in section 40102(a)(2) of such title by substituting ''a company whose principal place of business is in the United States'' for ''a citizen of the United States''.]

SEC. 427. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY.—

(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning March 1, 1999, and ending on September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating, for the delivery of oil dispersants by air in order to disperse oil spills.

(2) The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department;

(B) acceptable for commercial sale; and

(C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States except for the purpose of

fulfilling an international agreement to assist in oil spill dispersing efforts, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) REGULATIONS.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Transportation and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end-users in accordance with the conditions set forth in subsection (b) or pursuant to sub- section (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 428. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person directly that obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 429. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CHARLOTTE-LONDON ROUTE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) BERMUDA II AGREEMENT.—The term ''Bermuda II Agreement'' means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(3) CHARLOTTE-LONDON (GATWICK) ROUTE.—The term ''Charlotte-London (Gatwick) route'' means the route between Charlotte, North Carolina, and the Gatwick Airport in London, England.

(4) FOREIGN AIR CARRIER.—The term ''foreign air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Charlotte-London (Gatwick) route;

(2) the Secretary awarded the Charlotte-London (Gatwick) route to US Airways on September 12, 1997, and on May 7, 1998, US Airways announced plans to launch nonstop service in competition with the monopoly held by British Airways on the route and to provide convenient single-carrier one-stop service to the United Kingdom from dozens of cities in North Carolina and South Carolina and the surrounding region;

(3) US Airways was forced to cancel service for the Charlotte-London (Gatwick) route for the summer of 1998 and the following winter because the Government of the United Kingdom refused to provide commercially viable access to Gatwick Airport;

(4) British Airways continues to operate monopoly service on the Charlotte-London (Gatwick) route and recently upgraded the aircraft for that route to B–777 aircraft;

(5) British Airways had been awarded an additional monopoly route between London England and Denver, Colorado, resulting in a total of 10 monopoly routes operated by British Airways between the United Kingdom and points in the United States;

(6) monopoly service results in higher fares to passengers; and

(7) US Airways is prepared, and officials of the air carrier are eager, to initiate competitive air service on the Charlotte-London (Gatwick) route as soon as the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Charlotte-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom.

SEC. 430. TO EXPRESS THE SENSE OF THE SENATE CONCERNING A BILATERAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM REGARDING CLEVELAND-LONDON ROUTE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102 of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(4) BERMUDA II AGREEMENT.—The term ''Bermuda II Agreement'' means the Agreement Between the United States of America and United Kingdom of Great Britain and Northern Ireland Concerning Air Services, signed at Bermuda on July 23, 1977 (TIAS 8641).

(5) CLEVELAND-LONDON (GATWICK) ROUTE.—The term ''Cleveland-London (Gatwick) route'' means the route between Cleveland, Ohio, and the Gatwick Airport in London, England.

(6) FOREIGN AIR CARRIER.—The term ''foreign air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(8) SLOT.—The term ''slot'' means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.

(b) FINDINGS.—Congress finds that—

(1) under the Bermuda II Agreement, the United States has a right to designate an air carrier of the United States to serve the Cleveland-London (Gatwick) route;

(2)(A) on December 3, 1996, the Secretary awarded the Cleveland-London (Gatwick) route to Continental Airlines;

(B) on June 15, 1998, Continental Airlines announced plans to launch nonstop service on that route on February 19, 1999, and to provide single-carrier one-stop service between London, England (from Gatwick Airport) and dozens of cities in Ohio and the surrounding region; and

(C) on August 4, 1998, the Secretary tentatively renewed the authority of Continental Airlines to carry out the nonstop service referred to in subparagraph (B) and selected Cleveland, Ohio, as a new gateway under the Bermuda II Agreement;

(3) unless the Government of the United Kingdom provides Continental Airlines commercially viable access to Gatwick Airport, Continental Airlines will not be able to initiate service on the Cleveland-London (Gatwick) route; and

(4) Continental Airlines is prepared to initiate competitive air service on the Cleveland-London (Gatwick) route when the Government of the United Kingdom provides commercially viable access to the Gatwick Airport.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) act vigorously to ensure the enforcement of the rights of the United States under the Bermuda II Agreement;

(2) intensify efforts to obtain the necessary assurances from the Government of the

United Kingdom to allow an air carrier of the United States to operate commercially viable, competitive service for the Cleveland-London (Gatwick) route; and

(3) ensure that the rights of the Government of the United States and citizens and air carriers of the United States are enforced under the Bermuda II Agreement before seeking to renegotiate a broader bilateral agreement to establish additional rights for air carriers of the United States and foreign air carriers of the United Kingdom, including the right to commercially viable competitive slots at Gatwick Airport and Heathrow Airport in London, England, for air carriers of the United States.

SEC. 431. ALLOCATION OF TRUST FUND FUNDING.

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term ''Airport and Airway Trust Fund'' means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(3) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term ''State dollar contribution to the Airport and Airway Trust Fund'', with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

SEC. 432. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lakes Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

SEC. 433. AIRLINE MARKETING DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

SEC. 434. CERTAIN AIR TRAFFIC CONTROL TOWERS.

Notwithstanding any other provision of law, regulation, intergovernmental circular advisories or other process, or any judicial proceeding or ruling to the contrary, the Federal Aviation Administration shall use such funds as necessary to contract for the operation of air traffic control towers, located in Salisbury, Maryland; Bozeman, Montana; and Boca Raton, Florida: *Provided,* That the Federal Aviation Administration has made a prior determination of eligibility for such towers to be included in the contract tower program.

SEC. 435. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''The recovery''; and

(2) adding at the end thereof the following:

''(b) COMMERCIAL AVIATION.—

''(1) IN GENERAL.—If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

''(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

''(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

SEC. 436. FAA STUDY OF BREATHING HOODS.

The Administrator shall study whether breathing hoods currently available for use by flight crews when smoke is detected are adequate and report the results of that study to the Congress within 120 days after the date of enactment of this Act.

SEC. 437. FAA STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

The Administrator of the Federal Aviation Administration shall study the need for an alternative power source for on-board flight data recorders and cockpit voice recorders and shall report the results of that study to the Congress within 120 days after the date of enactment of this Act. If, within that time, the Administrator determines, after consultation with the National Transportation Safety Board that the Board is preparing recommendations with respect to this subject matter and will issue those recommendations within a reasonable period of time, the Administrator shall report to the Congress the Administrator's comments on the Board's recommendations rather than conducting a separate study.

SEC. 438. PASSENGER FACILITY FEE LETTERS OF INTENT.

The Secretary of Transportation may not require an eligible agency (as defined in section 40117(a)(2) of title 49, United States Code), to impose a passenger facility fee (as defined in section 40117(a)(4) of that title) in order to obtain a letter of intent under section 47110 of that title.

SEC. 439. ELIMINATION OF HAZMAT ENFORCEMENT BACKLOG.

(a) FINDINGS.—The Congress makes the following findings:

(1) The transportation of hazardous materials continues to present a serious aviation safety problem which poses a potential threat to health and safety, and can result in evacuations, emergency landings, fires, injuries, and deaths.

(2) Although the Federal Aviation Administration budget for hazardous materials inspection increased $10,500,000 in fiscal year 1998, the General Accounting Office has reported that the backlog of hazardous materials enforcement cases has increased from 6 to 18 months.

(b) ELIMINATION OF HAZARDOUS MATERIALS ENFORCEMENT BACKLOG.—The Administrator of the Federal Aviation Administration shall—

(1) make the elimination of the backlog in hazardous materials enforcement cases a priority;

(2) seek to eliminate the backlog within 6 months after the date of enactment of this Act; and

(3) make every effort to ensure that inspection and enforcement of hazardous materials laws are carried out in a consistent manner among all geographic regions, and that appropriate fines and penalties are imposed in a timely manner for violations.

(c) INFORMATION REGARDING PROGRESS.—The Administrator shall provide information to the Committee on Commerce, Science, and Transportation, on a quarterly basis beginning 3 months after the date of enactment of this Act for a year, on plans to eliminate the backlog and enforcement activities undertaken to carry out subsection (b).

SEC. 440. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

Nothwithstanding any other provision of law to the contrary, the Administrator of the Federal Aviation Administration may establish a pilot program for fiscal years 2001 through 2004 to test and evaluate the benefits of long-term capital leasing contracts. The Administrator shall establish criteria for the program, but may enter into no more than 10 leasing contracts under this section, each of which shall be for a period greater than 5 years, under which the equipment or facility operates. The contracts to be evaluated may include requirements related to oceanic air traffic control, air-to-ground radio communications, and air traffic control tower construction.

TITLE V—AVIATION COMPETITION PROMOTION

SEC. 501. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development

program to be administered by a program director designated by the Secretary.

''(2) FUNCTIONS.—The program director shall—

''(A) function as a facilitator between small communities and air carriers;

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

''(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

''(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

''§ 41743. Air service program for small communities

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

''(1) will promote the development of a national air transportation system; and

''(2) will involve the participation of communities in all regions of the country.

''(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds authorized under section 504 of the Air Transportation Improvement Act to carry out this section;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) take such other action under this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The program director may not obligate more than [$30,000,000] *$80,000,000* of the amounts authorized under 504 of the Air Transportation Improvement Act over the 4 years of the program.

''(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

''(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

''§ 41744. Pilot program project authority

''(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better air service link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

''(1) out of amounts authorized under section 504 of the Air Transportation Improvement Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) collecting data on air carrier service to small communities; and

''(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

''(d) ADDITIONAL ACTION.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

''§ 41745. Assistance to communities for service

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

''(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Air Transportation Improvement Act.

''§ 41746. Additional authority

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title V of the Air Transportation Improvement Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

''§ 41747. Air traffic control services pilot program

''(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

''(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

''(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

''(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

''(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program; and

''(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

''(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities.
''41744. Pilot program project authority.
''41745. Assistance to communities for service.
''41746. Additional authority.
''41747. Air traffic control services pilot program.''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

[To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000—

[(1) there are authorized to be appropriated to the Secretary of Transportation not more than $10,000,000; and

[(2) not more than $20,000,000 shall be made available, if available, to the Secretary for obligation and expenditure out of the account established under section 45303(a) of title 49, United States Code.

[To the extent that amounts are not available in such account, there are authorized to be appropriated such sums as may be necessary to provide the amount authorized to be obligated under paragraph (2) to carry out those sections for that 4 fiscal-year period.]

There are authorized to be appropriated to the Secretary of Transportation $80,000,000 to carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000.

SEC. 505. MARKETING PRACTICES.

Section 41712 is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Transportation Improvement Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary [shall] *may* promulgate regulations that address the [problem.''.] *problem, or take other appropriate action. Nothing in this section expands the authority or juridiction of the Secretary to promulgate regulations under the Federal Aviation Act or under any other Act.''.*

SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 310, is amended by adding at the end thereof the following:

''§ 41718. Slot exemptions for nonstop regional jet service.

''(a) IN GENERAL.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between—

''(1) an airport with fewer than 2,000,000 annual enplanements; and

''(2) a high density airport subject to the exemption authority under section 41714(a), the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

''(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

''(c) CONDITIONS.—The Secretary may grant an exemption to an air carrier under subsection (a)—

''(1) for a period of not less than 12 months;

''(2) for a minimum of 2 daily roundtrip flights; and

''(3) for a maximum of 3 daily roundtrip flights.

''(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM HUB AIRPORT; JET AIRCRAFT.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

''(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

''(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

''(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

''(B) the air carrier can demonstrate unmitigatable losses.

''(e) FORFEITURE FOR MISUSE.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

[''(f) RESTORATION OF AIR SERVICE.—To the extent that—

[''(1) slots were withdrawn from an air carrier under section 41714(b);

[''(2) the withdrawal of slots under that section resulted in a net loss of slots; and

[''(3) the net loss of slots and slot exemptions resulting from the withdrawal had an adverse effect on service to nonhub airports and in other domestic markets,

[the Secretary shall give priority consideration to the request of any air carrier from

which slots were withdrawn under that section for an equivalent number of slots at the airport where the slots were withdrawn. No priority consideration shall be given under this subsection to an air carrier described in paragraph (1) when the net loss of slots and slot exemptions is eliminated.

''[(g)] *(f)* PRIORITY TO NEW ENTRANTS AND LIMITED INCUMBENT CARRIERS.—

''(1) IN GENERAL.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

''(2) LIMITATION.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

''(3) AFFILIATED CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

''[(h)] *(g)* STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''[(i)] *(h)* REGIONAL JET DEFINED.—In this section, the term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

''(28A) [LIMITED INCUMBENT AIR CARRIER.—The term] 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.''.

(2) The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41718. Slot exemptions for nonstop regional jet service.''.

SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 506, is amended by adding at the end thereof the following:

''§ 41719. Special Rules for Ronald Reagan Washington National Airport

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition *by new entrant air carriers or in* multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

''(4) not result in meaningfully increased travel delays.

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000 annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than [2] *3* operations.''.

''(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

''(A) will result in [12] *24* additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

''(B) will result in 12 additional daily commuter slot exemptions at such airport; and

''(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that [is not smaller than a large hub airport (as defined in section 47134(d)(2)).] *has 2,000,000 or fewer annual enplanements.*

''(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

''(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and [extended.''.] *extended.*

''(d) ADDITIONAL WITHIN-PERIMETER SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—The Secretary shall by order grant 12 slot exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for flights to airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this subsection in a manner consistent with the promotion of air transportation.''.

(b) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

''(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.''.

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

''(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title V of the Air Transportation Improvement Act and the amendments made by that title.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (e).

(2) The chapter analysis for subchapter I of chapter 417, as amended by section 506(b) of this Act, is amended by adding at the end thereof the following:

''41719. Special Rules for Ronald Reagan Washington National Airport.''.

(f) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 507, is amended by adding at the end thereof the following:

''§ 41720. Special Rules for Chicago O'Hare International Airport

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over

a 3-year period beginning on the date of enactment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(b) STUDIES.—

(1) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41720(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT STUDY IN 2000.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by section 507(b) of this Act, is amended by adding at the end thereof the following:

''41720. Special Rules for Chicago O'Hare International Airport.''.

SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712, as amended by section 505 of this Act, is amended by adding at the end thereof the following:

''(d) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier utilizing electronically transmitted tickets to fail to notify the purchaser of such a ticket of its expiration date, if any.''.

SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.

(a) PURPOSE.—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) STUDY.—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competititve implications of such a program; and

(7) the cost of such a program.

(c) REPORT.—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

SEC. 511. GAO STUDY OF AIR TRANSPORTATION NEEDS.

The General Accounting Office shall conduct a study of the current state of the national airport network and its ability to meet the air transportation needs of the United States over the next 15 years. The study shall include airports located in remote communities and reliever airports. In assessing the effectiveness of the system the Comptroller General may consider airport runway length of 5,500 feet or the equivalent altitude-adjusted length, air traffic control facilities, and navigational aids.

TITLE VI—NATIONAL PARKS OVERFLIGHTS

SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

''§ 40126. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any effective air tour management plan for that park or those tribal lands.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the company or pilots;

''(ii) any quiet aircraft technology proposed for use;

''(iii) the experience in commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the company;

''(v) any training programs for pilots; and

''(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

''(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

''(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

''(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

''(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Air Transportation Improvement Act, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT OF ATMPS.—

''(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may prohibit commercial air tour operations in whole or in part;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

''(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

''(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

''(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

''(4) PROCEDURE.—In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall—

''(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

''(5) AMENDMENTS.—Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Air Transportation Improvement Act; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

''(F) shall—

''(i) promote protection of national park resources, visitor experiences, and tribal lands;

''(ii) promote safe operations of the commercial air tour;

''(iii) promote the adoption of quiet technology, as appropriate; and

''(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(3) NEW ENTRANT AIR TOUR OPERATORS.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

''(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

''(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Air Transportation Improvement Act.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR.—The term 'commercial air tour' means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

''(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(B) whether a narrative was provided that referred to areas or points of interest on the surface;

''(C) the area of operation;

''(D) the frequency of flights;

''(E) the route of flight;

''(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

''(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

''(2) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour.

''(3) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Air Transportation Improvement Act.

''(4) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

''(5) COMMERCIAL AIR TOUR OPERATIONS.—The term 'commercial air tour operations' means commercial air tour flight operations conducted—

''(A) over a national park or within ½ mile outside the boundary of any national park;

''(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

''(C) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(6) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(7) TRIBAL LANDS.—The term 'tribal lands' means 'Indian country', as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

''(8) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(9) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) EXEMPTIONS.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) LAKE MEAD.—A commercial air tour of the Grand Canyon that transits over or near the Lake Mead National Recreation Area en route to, or returning from, the Grand Canyon, without offering a deviation in flight path between its point of origin and the Grand Canyon, shall be considered, for purposes of paragraph (1), to be exclusively a commercial air tour of the Grand Canyon.

【(2)】 *(3)* ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

【(3)】 *(4)* COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100–91 (16 U.S.C. 1a–1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

''40126. Overflights of national parks.''.

SEC. 603. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator and the Director shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

SEC. 604. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).

(a) IN GENERAL.—Section 106(g) is amended by striking ''40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304,'' and inserting ''40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, this afternoon the Senate begins consideration of a bill that will, if and when enacted, affect the constituents of every single Member of this body. An efficient air transportation system is critical not only to our commute home every weekend but, on a larger scale, to the functioning of a national and global economy.

The U.S. economy is becoming increasingly dependent upon a safe and efficient national air transportation system. Without a sound aviation infrastructure, the enormous flow of goods and services across the nation and over the oceans would slow to a trickle. Unfortunately, the air traffic delays experienced this past summer seem to be the first signs that the system is reaching its limits. It is vital, therefore, that Congress acts now to keep this essential form of transportation on a solid foundation.

S. 82, the Air Transportation Improvement Act, would reauthorize the programs of the Federal Aviation Administration (FAA), including the Airport Improvement Program (AIP), which expired last Friday. The AIP provides federal grants to support the capital needs of the nation's commercial airports and general aviation facilities. S. 82 establishes contract authority for the program. Without this authority in place, the FAA cannot distribute airport grants, regardless of whether an AIP appropriation is in place. It is imperative that airports receive the support that they need to operate both safely and efficiently.

In addition to grants for airport development, S. 82 includes numerous provisions designed to enhance aviation safety, to improve competition and service in the aviation industry, and to address the issue of commercial air tour flights over national parks.

On behalf of the aviation leadership of the Commerce Committee, I am offering an amendment in the nature of a substitute to S. 82. This managers' amendment does not dramatically change the provisions of the bill as it was reported. Rather, it makes technical changes and incorporates aviation-related provisions requested by many of our colleagues. The one notable difference between the bill as reported and as modified by the managers' amendment, is that the new version lengthens the term of the bill so that authorizations would be provided through fiscal year 2002.

At this point, let me take a moment to summarize some of the major provisions of the substitute amendment:

Title I provides 3-year authorizations for the AIP, the Facilities and Equipment account (F&E), and the Operations account. [Unlike the reported

bill, S. 82 also includes an authorization for the FAA's Research, Engineering and Development (RE&D) account.]

Title II would amend various provisions of the Airport Improvement Program. Although the current allocation formulas for AIP monies would remain essentially the same, there are a few differences. For example, the set-aside for noise mitigation would increase from 31 percent to 35 percent. Another change would increase from $500,000 to $650,000 the minimum amount of entitlement funds that an eligible airport receives each year.

As recommended by the DOT Inspector General, airports would be required to use their entitlement funds for their highest priority projects before using them on lower priority projects. Title II also includes numerous technical amendments requested by the Administration.

Title II also establishes a five-year pilot program to allow more airports to have the benefit of air traffic control services. This pilot program would be akin to the existing contract tower program. The difference being that an airport would bear part of the costs of a contract tower if it does not meet the benefit/cost ratio established for the regular program.

Title III includes several technical and substantive amendments to current aviation law. The key provisions would do the following:

Give the FAA the authority to establish consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety.

Give the FAA broader authority to determine when a criminal history record check is warranted for persons performing security screening of passengers and cargo.

Reauthorize the ''War Risk'' aviation insurance program and implement an FAA suggestion to ensure timely payment of claims under the program.

Make it a crime for someone to pilot a commercial aircraft without a valid certificate.

Title IV includes a wide variety of provisions, all of which are intended to improve aviation safety, security, or efficiency. Notable provisions would do the following:

Require collision avoidance equipment to be installed on cargo aircraft.

Require more aircraft to be equipped with emergency locator transmitters.

Prohibit anyone convicted of a crime involving bogus aviation parts from working in the industry or obtaining a certificate from the FAA.

Give the FAA authority to impose fines on unruly passengers.

Require the DOT to step up its enforcement of laws and regulations related to the treatment of disabled passengers.

Require the FAA to accelerate its rulemaking on a program under which airlines and their crews share operational information. This new source of information may assist safety experts in identifying potential problems before they cause accidents.

Require the FAA to develop a plan to implement the Wide Area Augmentation System (WAAS), which enables aircraft to use the Global Positioning System for navigation.

Require the DOT Inspector General to initiate an independent validation and assessment of the FAA's cost accounting system, which is currently under development.

Title V contains provisions intended to promote aviation competition and service. Key provisions include the following:

A five-year pilot program would be created to help small communities attract improved air service. It is designed to facilitate incentives and projects that will help communities improve their air access to business markets, through public-private partnerships.

The bill as approved by the Commerce Committee also includes several provisions dealing with slot controls for high-density airports and the perimeter rule at Reagan National Airport. Although the managers' amendment does not alter those provisions as they came out of committee, we will soon offer an amendment to replace them with a compromise redraft. That amendment has been crafted to accommodate the concerns of several Senators.

One notable difference is, the number of slot exemptions at Reagan National will be reduced from 48 to 24. Another change is that the high density rule will eventually cease to apply to all of the slot control airports, with the exception of Reagan National. Before the slot controls are eliminated, access to the airports will be broadened for regional jet air service to smaller communities and new infant airlines.

Title VI contains consensus legislation developed by Chairman MCCAIN to regulate the overflight of national parks by air tour operators.

Title VII contains entirely technical amendments to address recodification and other errors in title 49 of the United States Code.

Title VIII contains new provisions that transfer the aeronautic charting activities of the National Oceanographic and Atmospheric Administration to the FAA.

The passage of this bill is crucial. We have a duty to the American people to provide support to the national air transportation system. Air travel and the aviation-related industries are a fundamental part of our social and economic structure, and their response will continue to grow. The Congress may play only one part in the overall workings of this system, but it is an essential part.

The Air Transportation Improvement Act gives an opportunity to renew commitment to the future of this country. I strongly urge my colleagues to support S. 82.

Before we start the amendments and begin debate, I note with great pleasure the presence of my friend and colleague, the Senator from West Virginia. Senator ROCKEFELLER and I are often together on one cause or another. The Senator is responsible for many of the good things that are included in this bill, which is the result of a true partnership.

I yield the floor.

Mr. ROCKEFELLER. I thank my distinguished colleague for those very generous comments. I feel no obligation to argue with him at this point. He and I have been on the floor many times before, sometimes successful, sometimes not. Today and tomorrow we hope to be more successful. Always I rely on the intelligence and the articulation of the good Senator from the State of Washington.

We are dealing with a new bill and a substitute for it which will come up shortly. Ordinarily in these matters, one doesn't talk about either Senators or staff or anybody else until everything is over. However, I think it would actually set a good tone for this debate if I thanked a few of my colleagues upfront. One, it may put them in a better mood; two, it will discharge a duty which I believe I have.

I have been very frustrated by this whole process because it has taken a long time and I don't like temporary extensions. We have had a history of short-term extensions. The FAA has suffered, the airports have suffered, my State has suffered, the Senator's State has suffered, a lot of it during the course of this past year.

My frustration spilled over as far as the junior Senator from West Virginia is concerned a few weeks ago when I came to the Senate floor and poured out my frustrations about the whole troubled state of our air traffic control system and the potential impact on our national economy, as well as the impact on my State and a lot of other things which I characterize as being fairly scary in terms of delays and congestion on what I consider to be an already enormously overburdened system. I am frightened about the prospects for the future. What we will do today is by no means the end of what we must do in the future.

Today I am feeling very good. It is very good to be on the floor. We are on the floor for a reason. We are on the floor introducing the Air Transportation Improvement Act of 1999, which we all know and love as the FAA and AIP reauthorization act.

The chairman of the Commerce Committee, JOHN MCCAIN, and the ranking member, FRITZ HOLLINGS, have been working around the clock with Senator GORTON and myself—the latter two being on the Aviation Subcommittee—to work out a number of long, lingering conflicts, some of which still linger but most of which do not with respect to this bill.

The majority leader and the Democratic leader were both extremely helpful and were very personally involved, showing their strong commitment to

aviation by finding time in a very busy fall schedule. I do not know how long it will last, but a potential 2 days is generous, and I respect and appreciate that.

A whole host of other Senators have constituents who care enormously about this whole question from a variety of points of view—access to air service, lack of access to air service, noise, all kinds of other issues—and have been willing to roll up their sleeves and work very hard to find a compromise. I want to name some: Senator SCHUMER; the Iowa Senators, HARKIN and GRASSLEY; Senator WYDEN from Oregon; the Virginia Senators, both ROBB and WARNER; the Illinois Senators, both DURBIN and FITZGERALD. Everyone has had to give a little, and it hasn't been easy. I hope everyone has also gotten a little, and, in some cases, some have gotten quite a lot.

First, I extend my thanks to my colleagues and to the leadership for putting the Senate in a situation for a fair debate. We have at least gone this far. There is a lot of work to do, but first things first. As we begin Senate consideration of the FAA reauthorization bill, I am optimistic we can proceed in good order. I think we can do this in a couple of days.

I tend to think at a fundamental level the cooperation and hard work I have seen reflects a deep and abiding sense of responsibility on the part of my colleagues, which they can hardly ignore in the first place, for the continued safety and efficiency of our aviation system and the condition of our air traffic control system which is unknown to most but ought to be feared by all.

We have a number of issues to debate here, some of which, as I indicated, are still in controversy. The vast majority—and I think my colleague will agree—have been fully worked out and have been agreed to on all sides. ''All sides'' become very important words. Not all, but a majority.

Aviation, as my ranking chairman indicated, is a proven engine of economic growth in this country. People don't think of it that way. Similar to universities, sometimes people think of them in different ways. It is an enormous economic engine. Each day, 2 million people travel on U.S. commercial airlines and a quarter of million do the same thing on smaller, private planes that transport people for business. Sometimes they do it simply for the sheer pleasure of flying.

Every day and night, U.S. airlines carry more than 10 million packages and overnight letters. Every day, more than 10 million Americans go to work in aviation-related businesses. Ten million Americans? Yes. That makes America among the largest manufacturing exporters of any enterprise. To the great credit of the aviation industry and the Federal Aviation Administration, projected growth for aviation is unparalleled. Within 10 years, U.S. airlines will be carrying more than 1 billion passengers each year; that is up more than 50 percent from the records that were carried last year. The number of aircraft in the air, on the ground, moving about, will increase by 50 percent in the next decade. That can make you happy; that can also make you nervous.

The regional fleet, which is something I care about enormously, because that is the connection in the whole hub and spoke system, a connection which is very important, will grow by more than 40 percent. Worldwide, air cargo will more than triple. These are incredible figures, projections of which the FAA and the industry can and should be very proud.

Of course, there is a catch. We have to be able to handle this air traffic, and we have to be able to handle it safely, in order to realize this growth. By most accounts at the FAA and at airports across the Nation, we are simply not ready to do this. In fact, we are having trouble staying on top of the system. With every year and every month that we allow ourselves to fall further behind in our modernization effort, there are times when one wonders will we ever catch up, will we ever understand what it means to put into place a full infrastructure for an air traffic control system so we can take this doubling and tripling I have talked about before.

That is why, as Senator GORTON indicated, it is so critical we in Congress hold up our end of the bargain by making improvements where we can and provide a system with some kind of predictability. The FAA reauthorization bill is all about starting to chart a course for growth, with a focus on increasing efficiency, improving customer service, and facilitating competitive access, all the while staying focused on strengthening our strong safety record.

This is a 4-year authorization bill. It will cost about $45 billion in total in aviation funding. That sounds like an enormous sum. It is, but it is not. It is because it is. It isn't because it will not do the job, but it will help us. It will get us started on the right path.

Ours is an enormous and complex aviation system. People don't stop to think about it. They take it for granted. They did not take it for granted when there was enormous traffic congestion to get to the Redskin Stadium a couple of weeks ago, and they did take it for granted when there seemed to be none yesterday. I wasn't at either game so I have no idea. But people tend to take for granted things which they use frequently. That is not something we can afford to be doing in Congress.

For now, let me note this $45 billion authorization includes roughly $10 billion for airports under the Airport Improvement Program, $24 billion for the FAA's nearly 50,000 employees and for air traffic control operations, and $10 billion for air traffic equipment as part of the whole modernization effort.

Let me share some of the highlights of the bill and the agreed-upon committee substitute, which I believe Senator GORTON and I will want to introduce momentarily. In terms of changes in aviation law and policy and innovative new programs, the package includes some of the following: an important agreement worked out with the majority to authorize an increase of $500 million for the FAA's Air Traffic Control Modernization Program. We are grateful for every $50 million, $100 million, and $1 billion we can get our hands on.

Mr. President, $500 million is an increase; it is more than it was, and we are glad. There is an emphasis on improving air service to something we call small communities, which I imagine would be of interest to the Presiding Officer. That increase will take various forms such as an increase in the minimum Airport Improvement Program entitlement from $500 million to $650 million annually, a new $80 million pilot project to assist small communities that are struggling to restore air service, and an immediate and, hopefully, lasting priority for new service opportunities at the four slot-controlled airports: O'Hare, LaGuardia, Kennedy, and Reagan National, and a ban on smoking on all international flights to and from the United States. Here, actually, I give special thanks to the tireless efforts of Senator DURBIN.

There is whistle-blower protection for airline and FAA employees so none will fear losing their jobs for pointing out safety violations or concerns that are pertinent. This is an item Senator KERREY from Nebraska has been preaching on for quite a while. There is a series of specific safety improvements such as new runway incursion technologies and stronger enforcement of hazardous materials regulations, and a significant new agreement on noise and environmental issues arising from aircraft that fly over our National Parks. In one case, we have an airport in a National Park—only one, thank heavens. This reflects several years of very tough negotiations among Senator MCCAIN, Senator BRYAN, and others.

In addition, through the amendment process, I know we will be considering, and hopefully taking action on, several other very important provisions. For example, Senator GORTON and I will offer a painstakingly negotiated agreement among all parties for an overhaul of the slot rules at the four high-density airports: Reagan National, Chicago O'Hare, New York Kennedy, and LaGuardia. Under this deal, the slot rules will be phased out over time—phased out over time—in New York and Chicago. This was a rather bold idea at the time, put forward, actually, by the Secretary of Transportation last spring. Most important, from my perspective, these changes offer us an opportunity to increase access to these key airports. Once again, I am thinking of the constituents of the State of

the Presiding Officer, and that is the name of the game: Can you get into some of these larger airports? This will give an extra boost of service to small communities and to new entrant airlines.

Several of us, further, will join together to offer an amendment to protect airline passenger rights—Senator GORTON and I and others will do that—to hold the airlines' feet to the fire on their promise to improve customer service and to reduce customer complaints. This last summer, I thought, was almost historic, not that it seemed to have enormous effect but it was a historic example of what happens when you get gridlock in the air. People were held up. It was all during the summer travel months. That period of time is going to keep growing as the congestion grows greater and greater.

Another amendment Senator GORTON and I will offer will propose incremental FAA management reform—that is something we feel very strongly about—and an innovative financing piece for air traffic equipment.

Finally, I expect we will see some amendments and debate related to airline competition. That will be controversial, the question of whether and how we should strengthen Federal competition laws and policies as they apply to the airline industry.

In closing, obviously, there are other important provisions in this bill. I will not go through them in full. Suffice it to say, Senator GORTON and I believe this is a truly balanced package, an inclusive FAA and AIP reauthorization package. There has been a lot of consulting, a lot of negotiating—an enormous amount of negotiating. I think it is a good bill.

I am glad to join my colleague, Senator GORTON, in offering the committee substitute today on behalf of ourselves, the chairman and ranking member, at the appropriate time. I look forward to the debate on it.

I thank the Presiding Officer.

• Mr. MCCAIN. Madam President, I wish to express my strong opposition to the conference agreement on H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Bill as recently approved by the House and Senate conferees.

I recognize that there are very important provisions in the legislation, sections that appropriate funds for programs vital to the safety of the traveling public and our national transportation system over all. Yet despite that necessary funding, the legislation once again goes overboard on pork barrel spending.

It is extremely disappointing the conferees chose to meld the enormous number of listed projects that were earmarked in the House and Senate reports accompanying the transportation appropriations bill this year. Many additional projects were also included by the conferees. It seems that there is never a dearth of special projects that come to the attention of appropriators—even after both chambers have already passed their versions of the legislation.

One would have thought with the windfall enjoyed by most states due to the new budgetary scheme under Transportation Equity Act for the 21st Century, there would have been less project earmarking, but unfortunately that was not the case. And, there always seems to be a ready list of towns, airports, universities, or research organizations that appropriators want to reward with more money to work on a transportation project.

For example, many airports that failed to be included when the House and Senate considered the transportation funding legislation somehow managed to be included in the conference agreement. Some of the new entrants on the airport funding priority list are the Aurora Municipal Airport in Illinois, the Upper Cumberland Regional Airport in Tennessee, the Abbeyville Airport in Alabama, and the Eastern West Virginia Airport in West Virginia.

Like some airports, transit projects that failed to make the cut when the House and Senate considered their respective funding bills also somehow made the cut in the conference report. Further, the conferees deemed it necessary to provide specific recommendations to allocate 65 percent of the dollars set aside for the new jobs access and reverse grants program established under TEA–21. And, yet the House appropators had acknowledged in the House report accompanying the bill that this program was created ''to make competitive grants.'' If the funding is to be competitively awarded, why did the conferees find the need to provide a listing of 47 specific recipients?

I have consistently fought Congressional earmarks that direct money to particular projects or recipients, believing that such decisions are far better made through nationwide competitive, merit-based guidelines and procedures. I continue to find this practice an appalling waste of taxpayer dollars. Bill after bill, year after year, earmarks continue to divert needed federal resources away from more meritorious and deserving projects. It is simply unconscionable that Congress condones wasting so much of our taxpayers dollars by funneling funds to special interest projects while at the same time, so many of our young men and women serving in the armed services go underpaid and in some cases, are forced to accept food by Congress, have been classic examples.

Let me share with my colleagues some of the university-related pork. $500,000 is provided for Crowder College in Missouri for a truck driving center safety initiative. $875,000 is set aside for the University of South Alabama to begin a research project on rural vehicular trauma victims. $250,000 is set aside for Montana State University at Bozeman to pilot real-time diagnostic monitoring of rail rolling stock. $250,000 is set aside for the University of Missouri-Rolla to work on advanced composite materials for use in repairing old railroad bridges.

As I have said previously, I do not question that some—perhaps all—of this research may be needed, but I do question whether the specifically selected universities are the best place to spend taxpayer dollars on those projects. It is conceivable that there may be other, more experienced entities, that could perform the research—but we will never know because earmarking ignores merit-based criteria.

I vehemently object to the expenditure of scarce transportation funds on projects that have not been subject to uniform, objective funding criteria. I further object to the expenditure of scarce transportation funds on unauthorized programs.

Section 365 provides $500,000 in grants to the Environmental Protection Agency to develop a program that allows employers in certain regions to receive credits for reduced vehicle-miles-traveled if that employer allows workers to telecommute. Section 365 was not in the House-passed bill. Section 365 was not in the Senate-passed bill. There have been no hearings on the provision in either the House or the Senate. I, for one, believe that the airport and surface transportation safety programs could far better use that half a million dollars than the Environmental Protection Agency.

I have asked the following question before and I will continue to on other appropriations bills. I ask my colleagues, why are the appropriators so reluctant to permit projects to be awarded based on a competitive and meritorious process that would be fair for all the states and local communities? I ask my colleagues, why are the appropriators so quick to slip in provisions creating brand new authorizations. I suspect it is due to the fact they may doubt the merits and worth of the very projects they are earmarking and of the programs they are authorizing.

I have only mentioned a few of the examples of earmarks and special projects contained in this measure and I will not waste the time of the Senate going over each and every earmark. However, a detailed listing of the many earmarked projects proposed in this bill and committee report are available from my office and can also be obtained from my website.

Finally, I would like to express my grave concerns over a provision that would prevent certain very critical motor carrier safety functions from being administered by the Federal Highway Administration. Such a prohibition could be of grave consequence to the road traveling public and is shortsighted at best.

Last year an attempt was made by the House Appropriations Committee to strip FHWA from its authority over

motor carrier safety matters. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation safety policies, including motor carrier and passenger vehicle safety, I opposed this proposal, in part because it had never been considered by the authorizing committees of jurisdiction. The provision was ultimately not enacted and I pledged that I would work to address motor carrier safety concerns in this Congress. I have lived up to this commitment.

At my request, the Inspector General of the Department of Transportation conducted a comprehensive analysis of federal motor carrier safety activities. Serious safety gaps have been identified, and as such, the authorizing Committees of jurisdiction have been working to move legislation to improve motor carrier safety. The Commerce Committee held a hearing on my specific safety proposal and we expect to mark up that measure during the next Executive session. Indeed, we are working to move legislation through the regular legislative process.

In my opinion, it is very short-sighted and a serious jeopardy to public safety if Congress shuts off funds for motor carrier safety activities within the Department of Transportation. For example, under the conference agreement, the Department would not be permitted to access civil penalties for motor carrier safety violations. According to DOT, ''this provision would effectively shut down our safety enforcement program.'' While I am aware safety improvements are necessary and am working to accomplish those needed improvements, stipping critical authority is not in the interest of truck safety. I would urge the President to veto this legislation due to this unwise and unsound provisions and permit the authorization process to proceed responsibly.●

● Mr. REED. Madam President, I rise to address an issue of great importance for our Nation's environment and economic security.

Today the Senate will pass the fiscal year 2000 Transportation Appropriations bill. In that bill, for the fifth year in a row, is a House-passed rider that would block the Department of Transportation from conducting a legislatively-mandated study of Corporate Average Fuel Economy Standards.

The current CAFE standard for passenger cars is 27.5 miles per gallon, while the standard for so-called ''light trucks'', including SUVs and minivans, remains at just 20.7 miles per gallon. Today, with SUVs and minivans accounting for almost half of all new cars sold in the United States, we need to give serious consideration to improving fuel economy standards for these vehicles. By doing so, we could cut harmful air pollution, help curb global warming, and reduce the amount of gasoline we consume. The existing CAFE standards save more than 3 million barrels of oil every day. Improving these standards, particularly for light trucks, is especially important when our nation is importing increasing amounts of oil every year.

For the past four years, Congress has denied the American people access to existing technologies that could save them thousands of dollars at the gas pump, technologies that the auto industry could implement with no reduction in safety, power, or performance.

The House rider blocking consideration of improved CAFE standards was attached to the DOT spending bill without any hearings or debate. While I will not object to passage of this important appropriations measure today, I want to state in the strongest terms my disappointment, shared by many of my colleagues, that the statutory requirement to study ways to improve fuel efficiency standards is being blocked.

We should lift this gag order and give the Department of Transportation the opportunity to consider this important issue.●

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I now withdraw the committee amendments.

The committee amendments were withdrawn.

AMENDMENT NO. 1891

(Purpose: To authorize appropriations for the Federal Aviation Administration, and for other purposes)

Mr. GORTON. Mr. President, I send a substitute amendment to the desk for Senator MCCAIN, myself, and Senator ROCKEFELLER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. GORTON, and Mr. ROCKEFELLER, proposes an amendment numbered 1891.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. FITZGERALD addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold for a moment.

The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to and considered as original text for the purpose of further amendment.

Mr. FITZGERALD. I object.

The PRESIDING OFFICER. An objection is heard.

Mr. GORTON. Mr. President, we will take such measures as are necessary to see whether or not the objection can be withdrawn or we will simply go ahead and debate the substitute amendment. Let me add three other matters.

First, we will attempt to get a unanimous consent agreement on the filing of amendments as early and as promptly as we possibly can so debate can be carried forward.

Second, as Senator ROCKEFELLER pointed out, there are two additional amendments to this substitute amendment that can be put up whether or not the substitute amendment has been agreed to. One has to do with the air traffic control system and its modernization.

Senator ROCKEFELLER and I and many others, as the Senator from West Virginia pointed out, have worked diligently in that connection, and we believe that proposal now is not controversial, though it is of vital importance and we hope it can be agreed to promptly.

The other amendment, of course, is the amendment dealing with slots at the four or five busiest airports in the country. There may be some controversy in connection with that amendment. In any event, we hope that each of those amendments will be adopted relatively promptly. Members are urged to bring their amendments to the floor or to speak to the managers about concerns they have that may be solved relatively easily.

Under the statement made earlier today when this session of the Senate began, it is at least possible there will be further votes on this bill today after the vote on the Transportation appropriations bill at 5:30 p.m. In any event, there certainly will be by tomorrow. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I appreciate the comments of the manager of the bill and also the distinguished Senator from West Virginia. One thing I want to make clear, contrary to the statement of the Senator from West Virginia, is that at least this Senator from Illinois does not believe he was involved in any of the negotiations, certainly not with respect to this last-minute attempt to entirely lift the high density rule that has governed three of our Nation's most crowded and congested airports since the late 1960s.

Going back to the 1960s, the FAA has had a rule in effect that limits operations at Chicago O'Hare International Airport to 155 operations an hour. The reason for that rule was that the airport was at capacity and adding more operations per hour would add to delays and jeopardize the safety of the flying public.

This original bill had an exemption for 30 new slots that the FAA could grant at O'Hare. I had misgivings about even those 30 exemptions for new flights at O'Hare, and I had been working with the chairman of the Commerce Committee on that issue, going back several months. But this was at the last minute. In fact, I read it in the newspaper today that a deal had been cut behind the scenes to go ahead and lift the high density rule altogether.

I think that is a grave mistake that could jeopardize the safety of our flying public in the United States. I fly out of O'Hare International Airport every week. In fact, I live 12 miles from it. As I grew up, that airport grew up. It grew into the busiest airport in the world. Anybody who has been there this year knows that it is so crowded and congested that there are constant delays at O'Hare. In fact, a report that came out earlier this year suggested there are more delays at O'Hare International Airport than at any other major airport in the country.

In 1995, when Congress considered lifting the high density rule, the FAA commissioned a study to look into what would happen if they lifted the high density rule. That study concluded it would be a great mistake to lift the high density rule because it would further add to delays at O'Hare and some of the Nation's other slot-controlled airports.

When there are massive delays at O'Hare, it pressures the air traffic controllers to hurry up and get more flights in the air to alleviate those delays. Sometimes there are 100 flights waiting to take off at O'Hare International Airport. Lifting the high density rule says that maybe sometimes we will have 200 flights waiting to take off on the runways at O'Hare. With that kind of pressure on the air traffic controllers, certainly there is the possibility to do something unwise and to make too many flights take off too close to each other, which could risk the lives of passengers in this country.

I am here to tell you that if one passenger dies in the United States because this Congress, going along with pressure from United and American Airlines, which already have 80 percent of the market in Chicago O'Hare and want more of it and are trying to block the construction of a third airport in Chicago because they do not want anybody else to have any of the market in Chicago, if in responding to pressure from those airlines, we are going to add so many more flights at O'Hare that we jeopardize the life of just one passenger in this country, then we have made a horrible, grave mistake.

Thus, I will be here everyday this bill is up, and I will fight doing that. I look forward to working with the managers of the bill to possibly address my concerns.

I was elected, in part, on this issue, and my predecessor, Carol Moseley-Braun, in fact, last year when there was a proposal to add just 100 more slots at O'Hare, fought that. She thought she had an agreement to lower that to 30 more slots that could be sparingly granted by the FAA, if all sorts of certain criteria were met.

Now it appears there is an effort on the part of those who have negotiated this bill to run roughshod over all those conversations with Senators from Illinois and go ahead and say the sky is the limit at O'Hare.

It is interesting; last week, Mayor Daley from Chicago was trying to fly to Washington. We had a Taste of Chicago party on the House side of the Capitol. It was a huge party. There were 500 people from Chicago willing to celebrate the Taste of Chicago in Washington. Unfortunately, the mayor of Chicago was stuck on the tarmac at O'Hare for 4 hours because of delays. It is too crowded and it is too congested.

Fortunately, thus far, the air traffic controllers have managed the traffic and the delays there, and they have not felt pressured into doing something unwise. But it is very possible that we could put so much pressure on those air traffic controllers and those pilots that a mistake could be made and we could jeopardize the safety of the flying public.

So I will be here to fight the lifting of those caps at O'Hare. We have to come up with some other solutions. I do agree we want competition amongst our airlines. Certainly with the situation at O'Hare, where you have two airlines, United and American, that control 80 percent of the slots, they don't want anybody else to cut into their monopoly there. Thus, they don't want any more air capacity outside of O'Hare in Chicago. I understand that. That has created problems. I want to work to solve those problems with the Members of this body. But I do not think we should do it in such a way that we cause more delays at O'Hare, which puts more pressure on our air traffic controllers, our pilots, and our whole infrastructure in aviation, and potentially jeopardizes the safety of the flying public.

Mr. President, thank you very much.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that Stanley Bach of the Congressional Research Service be granted the privilege of the floor during the Senate's consideration of S. 82.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that Evelyn Fortier of my office be granted the privilege of the floor during the Senate's consideration of S. 82.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FITZGERALD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I am pleased to rise in support of S. 82, the Air Transportation Improvement Act of 1999. This measure will enhance the safety and efficiency of our air transportation system. The residents of Hawaii, a State that is perhaps more dependent on air transportation than any other, stand to benefit significantly from this legislation.

Today I want to speak to title VI of the bill which addresses the issue of air tour operations at national parks. Title VI establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. The legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with public input from stakeholders, to develop an air tour management plan for parks currently or potentially affected by air tour flights.

Under this process, routes, altitudes, time restrictions, limitations on the number of flights, and other operating parameters could be prescribed in order to protect sensitive park resources as well as to enhance the safety of air tour operations. An air tour plan could prohibit air tours at a park entirely, regulate air tours within half a mile outside the boundaries of a park, regulate air tour operations that impact tribal lands, and offer incentives for the adoption of quieter air technology.

S. 82 also creates an advisory group comprising representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

As embodied in the air tour management plan process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and commercial aviation needs can be addressed in the

context of the unique circumstances that exist at individual national parks.

In other words, an air tour management plan for Yosemite in California may differ significantly from a plan for the Florida Everglades, in order to take into account differences in terrain, weather, types of resources to be protected, and other factors. What is important about this bill is that it establishes a uniform procedure, with common regulatory elements, that will address overflight issues on a consistent basis across the nation, while allowing for local variations.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialogue among diverse stakeholders, mirrors key elements of legislation—the National Parks Airspace Management Act, cosponsored by my colleagues Senator INOUYE and Senator FRIST—that I promoted in several previous Congresses.

Title VI also reflects the hard-won consensus developed by the National Parks Overflights Working Group, a group comprising industry, environmental, and tribal representatives, which worked for many months to hammer out critical details embodied in the pending measure.

Adoption of this bill is essential if we are to address effectively the detrimental impacts of air tour activities on the National Park System. Air tourism has significantly increased in the last decade, nowhere more so than at high profile units such as Grand Canyon, Great Smoky Mountains, as well as Haleakala and Hawaii Volcanoes national parks in my own State. A major 1994 Park Service study indicated that nearly 100 parks experienced adverse park impacts. That number has assuredly risen since then. Such growth has inevitably conflicted with attempts to preserve the natural qualities and values that characterize many national parks, in some instances seriously.

While air tour operators often provide important emergency services, enhance park access for special populations such as the handicapped and elderly, and offer an important source of income for local economies—notably tourism-dependent areas such as Hawaii—unregulated overflights have the potential to harm park ecologies, harm wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations can also pose a safety hazard to air and ground visitors alike. The tragic crash of an air tour on the Big Island of Hawaii last week which killed nine people, is a stark reminder of the dangers inherent in air travel.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interest of the aviation and environmental communities. Congress and the administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress's initial, but ultimately limited, attempt to come to grips with the overflights issue. S. 82 will finish where the 1987 act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balancing the needs of air tour operators against the imperative to preserve and protect our natural resources.

The overflights provisions of this bill are the consequence of good faith efforts on the part of many groups and individuals. They include members of the National Parks Overflights Working Group. whose consensus recommendations form the underpinnings of this legislation; representatives of aviation and environmental advocacy organizations such as Helicopter Association International, the U.S. Air Tour Association, the National Parks and Conservation Association, and the Wilderness Society; and, officials of the FAA and Park Service.

From the Park Service, in particular, I recognize Jackie Lowey, Wes Henry, Marv Jensen, Sheridan Steele, Ken Czarnowski, and Dave Emmerson, all of whom worked directly on this legislation. And I would be remiss if I did not recognize the unsung contributions of Ann Choiniere of the Commerce Committee staff and Steve Oppermann, formerly of my staff and more recently a consultant to the Park Service, who spent countless hours shaping the details in this bill.

However, title VI is, above all, the product of the energy and vision of my friend and colleague from Arizona, Senator MCCAIN. As the author of the 1987 National Parks Overflights Act, Senator MCCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has been relentless in his quest to impel progress on this subject. For his leadership in writing the overflights provisions of this bill, and for his decade-long fight to preserve natural quiet in our national parks, Senator MCCAIN deserves the lasting appreciation of all those who believe in maintaining the integrity of the National Park System.

Mr. President, in conclusion, I am pleased to have been involved in developing legislation that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources that give value to a park, resources that must be protected at all costs. I believe that title VI of the pending measure reasonably and prudently balances these sometimes opposing considerations, and I urge my colleagues to support this legislation.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak as in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PANAMA CANAL

Mr. SMITH of New Hampshire. Mr. President, there are a lot of things going on in the world. Sometimes there is so much going on that we forget some of the more important things. What I would like to do is to remind my colleagues and the American people that, as of today, there are 88 more days before the United States of America loses its right to the Panama Canal.

It is also interesting to point out that these little flags on this chart—in case someone may not know what they are—are Communist Chinese flags. So I am going to place another one over October 4 and note that in 88 days the Chinese Communists are going to have control over both ends of the Panama Canal.

It is amazing to me that in the Presidential debates—not formal debates but in the discussions of Presidential politics—we did not even hear anything about this. Yet here we are, the nation that is probably the largest threat to the United States of America is now going to control the Panama Canal and not a whimper comes from this administration.

So I am going to be on the floor of the Senate almost every day I can—at least every day that is a business day—to remind the American people and the administration that we are now going to allow the Communist Chinese flag to be hoisted over that canal, which we once controlled, which we, unfortunately, gave away during the Carter administration.

The Panama Canal Treaty requires the U.S., by the date of December 31, 1999, to relinquish its bases in Panama.

The Panama Canal—a monument to American engineering, American construction, American ingenuity—is among the world's most strategic waterways and remains critical to U.S. trade and national security.

In case anybody is interested, the United States has invested $32 billion of taxpayer dollars in that canal since its inception. It remains a critical artery for our Navy and Merchant Marine, with an estimated 200 Navy passages a year going through that canal.

On December 31, the Communist Chinese flag will control both ends of that canal.

Mr. President, 15 to 20 percent of total U.S. exports and imports transit

the canal, including approximately 40 percent of all grain exports.

Before the canal was constructed, the voyage around Cape Horn required 4 or 5 months. The Colombian Government was assessing differential duties which made transisthmian travel prohibitive, even under ordinary circumstances.

Traveling the United States from coast to coast took 8 or 9 months and sometimes fighting Indians. That was how long ago. Today, that canal saves 8,000 miles and 2 weeks over the Cape Horn route.

Public opinion in the United States towards construction of a canal was galvanized by the voyage of the battleship U.S.S. *Oregon* from the Pacific around Cape Horn, joining Admiral Sampson's fleet in battle against the Spanish fleet of Cuba in 1898. The *Oregon* arrived just in time to engage in the last naval battle of the Spanish-American War, the Battle of Santiago.

In Teddy Roosevelt's first message to Congress, he described the canal as the path to a global destiny for the United States and said:

No single great work which remains to be undertaken on this continent is of such consequence to the American people [as the Panama Canal].

In 1918, Teddy Roosevelt warned against internationalism of the canal:

. . . we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike, but in time of war our interest at once becomes dominant.

There has been lots of talk about the potential perils of Y2K, which is also going to take place on January 1 or at the end of this year. For me, the complete transfer of the Panama Canal by December 31 is the biggest Y2K challenge facing America, and the clock is ticking. There is the countdown—88 days until we lose not only the canal but the access, coming in and out of that canal.

This August, President Clinton awarded former President Jimmy Carter the Presidential Medal of Freedom. Now the Carter foreign policy legacy, the giveaway of the Panama Canal and normalized relations with the Communist People's Republic of China, has come full circle with ominous consequences.

Panama City's deputy mayor, Augusto Diaz, states:

If Red China gets control of the canal, it will get control of the government. . . . The Panama Canal is essential to China . . . if they control the Panama Canal, they control at least one-third of world shipping.

Already the PRC is the largest goods provider into Panama's free zone, at $2 billion a year. The People's Republic of China is the largest user of the canal, after the United States and Japan, with more than 200 COSCO ships alone transiting the waterway annually.

The United States has already shut down its strategic Howard Air Force Base. Howard Air Force Base has also served as the hub of counternarcotics operations with 2,000 drug interdiction flights a year. By the approaching deadline, we will also have given up in Panama Rodman Naval Station, the Fort Sherman Jungle Operations Training Center, and other important facilities.

The Clinton administration was supposed to be working towards negotiating an arrangement with Panama that would have allowed for a counterdrug center, but even that option has fallen apart. In September, the administration announced the collapse of 2 years of talks on a multinational counternarcotics center.

More than 2 decades ago, then-Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer warned the Senate Foreign Relations Committee that the U.S. withdrawal from Panama would occasion a dangerous vacuum that could be filled by hostile interests. His comments were very prophetic.

In 1996, while China was illegally secreting millions of dollars through conduits into the Clinton reelection coffers, it is alleged that it was simultaneously funneling cash to the Panamanian politicians to ensure that Chinese front companies would control the Panama Canal.

When is America going to wake up? When are the American people going to wake up?

Hutchison Whampoa, a Hong Kong company controlled by Chinese operatives, will lease the U.S.-built port facilities at Balboa, which handle ocean commerce on the Pacific side, and Cristobal, which handle commerce on the Atlantic side. A Hong Kong company will control—remember, Hong Kong is now part of the PRC. Its chairman is Li Ka-shing, who has close ties to the Chinese Communist leaders and a de facto working relationship with the People's Liberation Army. Li is a board member of the Chinese Government's primary investment entity, CITIC, China International Trust & Investment Corporation, run by PLA arms trafficker and smuggler Wang Jun. That is the Hong Kong company that will control this canal in 88 days.

Insight magazine published an article maintaining that Li serves as a middleman for PLA business operations, including financing some of the controversial Hughes and Loral deals which transferred weapons technology to the PRC. He has also been an ally of Indonesia's Riady family and the Lippo Group, so deeply implicated in the illegal Chinese/Clinton fundraising scandal.

Hutchison Whampoa's subsidiary runs the Panama Ports Company which is 10-percent owned by Chinese Resources Enterprise. CRE was identified by the Senate Governmental Affairs Committee as a vehicle for espionage—economic, political, and military—for China. Does anybody care? One of the favorite expressions among preachers is: Hello. Does anybody care? Is anybody listening? This is Communist China in the Panama Canal that we built, that we maintained, for $32 billion. Not a whimper. Nobody is talking about it, let alone doing anything about it. Nobody cares. Where is the administration?

In addition to concerns about Chinese objectives in securing Balboa and Cristobal ports, Panama is in the front lines of the U.S. fight against narcoterrorism principally exported by the FARC, revolutionary armed forces of Colombia, in Colombia. A week after closure of Howard Air Force Base, heavily armed FARC members were interviewed in full combat regalia on Panamanian television, operating in Panamanian territory.

U.S. Southern Command Chief, General Charles Wilhelm, testifying before the Senate Foreign Relations Committee in June, said Panamanian security forces were undermanned and ill equipped to deal with growing threats from Colombian guerrilla incursions and drug traffickers. Colombia is the source of an estimated 80 percent of the world's supply of cocaine and the source of 75 percent of heroin seized in the United States. The FARC is known to have ties to the Russian mafia. That canal will be a great opportunity for them.

Public opinion polls in Panama indicate that between 70 and 80 percent of the Panamanian people support an ongoing U.S. security presence in their country. Alternative sites for counterdrug operations, the so-called FOLs, or forward operating locations, are expected to cost hundreds of millions of dollars for infrastructure building and fees. We have no assurance that even if we build the infrastructure, we can stay in the designated FOLs for any extended time.

Another issue that must be raised is that of the corrupt and unfair bidding process surrounding the 25-year-plus leasing arrangement, with an option for another 25 years, with Hutchison Whampoa. The then-U.S. Ambassador to Panama, William Hughes, protested this corrupt bidding process, and American and Japanese firms lost out because of the stacked deck. No help from the administration.

Ambassador Hughes came close to being declared persona non grata for protesting the rigged deal 3 years ago. It should be noted that Hughes is now parroting the administration's line on Panama and the PRC. President Clinton then appointed Robert Pastor, architect of the 1977 canal surrender. He appointed him, and Pastor's nomination was blocked by Foreign Relations Committee Chairman JESSE HELMS.

Six U.S. Senators, in May 1997, charged in a letter to the Federal Maritime Commission that there were irregularities in the bidding process, which denied U.S. firms an equal right to develop and operate terminals in Panama. The Commission acknowledged that the port award process was unorthodox and irregular by U.S. standards.

In 1996, Panama asked a Seattle-based company to withdraw a successful bid for Cristobal—a successful bid—

on the grounds that it would give the U.S. firm a monopoly because of its existing business in Balboa. In 1997, Panama gave the leasing deal to Hutchison Whampoa for both ports. With the introduction of Hutchison Whampoa, there follows real concern that Chinese organized criminal organizations involved in drug trafficking, guns, and smuggling of illegal aliens will ensue. COSCO, mentioned earlier—another Chinese-run firm that tried to lease the Long Beach Naval Shipyard—owned the ship which entered Oakland containing smuggled AK–47s intended for the street gangs of Los Angeles. And we almost had that firm in control of the Long Beach Naval Shipyard. Two firms with ties to the PLA and the Chinese Government were under Federal investigation for the smuggling attempt. While the U.S. Government is equipped to deal with this type of threat, Panama, with no standing army, is not.

The United States and Panama have security provisions in existing treaties under which we could negotiate joint security initiatives to address our common interests.

Eighty-eight days, Mr. President. Eighty-eight days. That is what we have left to get it done.

The major obstacle appears to be an unwillingness of this administration to preserve a presence in Panama and a tendency to downplay the significance of Chinese acquisition of the twin ports.

The 1977 treaty gives the United States the right to defend the Panama Canal with military force. The United States attached a condition, known as the DeConcini condition, which stated that if the canal were closed, or its operations interfered with, the United States and Panama would have the right to take steps necessary, including use of military force, to reopen the canal or restore operations in the canal. This modification was never ratified in Panama and met with protest by the Torrijos regime. Panama's version of the treaty denies unilateral defense rights to the United States. Some believe that Panama and the United States cloaked the differences in order to avoid a Senate vote on the issue and a plebiscite in Panama. In fact, the Senate turned back a series of amendments that would have required the treaties to be renegotiated and resubmitted to the Panamanians for another referendum.

The DeConcini condition, because it was attached to the Neutrality Treaty, remains in force permanently. But as former Admiral and Joint Chiefs Chairman Thomas Moorer noted, how does the ''right'' to go into the canal with force compare to the advantage of defensive bases that could prevent the takeover of the canal by an enemy?

A new Panamanian law gives this company, Hutchison Whampoa, the ''first option'' to take over the U.S. Naval Station Rodman and other sites. Panamanian law also gives the Chinese company the right to pilot all vessels transiting the canal. Admiral Moorer warned the Senate last year that our Navy vessels could be put at risk since Hutchison Whampoa has the right to deny passage to any ship interfering with its business, including U.S. Navy ships.

It is of interest to note a 25-percent leap in immigration to Panama from the PRC over the past few years—a 25-percent increase in immigration to Panama from the PRC. Beijing has used large-scale emigration as the basis for future intelligence recruits, with Panama a key target. Stanislav Lunev, a defector and former Soviet military intelligence colonel, claimed Chinese intelligence succeeded because of their ability to exploit the vast emigration of Chinese to communities across the world.

Eighty-eight more days, Mr. President. Eighty-eight more days.

The Congressional Research Service's August 1999 Issue Brief on China addresses a Chinese immigrant scandal. Panamanian visas were sold for as much as $15,000 to Chinese citizens who would fly from Hong Kong to Costa Rica, where smugglers would guide them through Central America and Mexico into the United States. Then President Balladares fired his head of intelligence as a result of the scandal—another issue which causes consternation among Americans with regard to Panama's ability to deal with its China problem.

If I could put it bluntly, this administration has dropped the ball big time. The House Subcommittee on the Western Hemisphere stated in March 1995 that over 80 percent of Panamanians favor some sort of U.S. military presence in their country. A September 1997 poll found that 70 percent believe that some U.S. bases should remain after the end of this year.

Eighty-eight more days.

More recently, a May 1998 poll showed that 65 percent of Panamanians support the concept of a multinational counterdrug center.

Despite public support—as high as three-fourths of the people in Panama wishing for the United States to stay in some capacity—this administration appears wedded to an unconditional pullout, an unconditional surrender toward a ''cooling off'' period that could allow the PRC to consolidate a new strategic toehold in Panama.

The Panama Canal Treaty was negotiated between President Carter and Panamanian dictator Omar Torrijos. It doesn't reflect public opinion in Panama. It did not, arguably, reflect public opinion in the United States.

When Operation Just Cause was launched in 1989, following the deaths of American soldiers and civilians in Panama, the United States intervened to safeguard American lives, to defend democracy in Panama, to combat drug trafficking, and to protect the integrity of the Panama Canal Treaty. It would be a shame if, because we fail now to protect Panama and the common security interests of the United States, to risk military intervention in the future.

Finally, a Pentagon spokesman has dismissed the notion that the United States should even worry about Chinese encroachment in Panama. Don't worry about it. According to an AP story, Admiral CRAIG Quigley said:

> We have nothing to indicate that the Chinese have the slightest desire to somehow control the Panama Canal. . . . And we don't consider this a security issue at all. It is a business issue.

Hello. Is anybody listening out there in the administration? What are we saying? Eighty-eight more days and they will control both ends of it. But, according to Quigley:

> We have nothing to indicate that the Chinese have the slightest desire to somehow control the Panama Canal. . . . And we don't consider this a security issue at all. It is a business issue.

That is what he says: ''It is a business issue.'' Yes, it is a business issue all right—between the Chinese Government and Panama, to our detriment. There isn't any private business in China. It is all done by the Government. That is business as usual in the Clinton White House. This is a serious mistake that will in the future cost us dearly in terms of our national security.

This is the same Red China that has labeled us their ''No. 1 enemy;'' the same China that has sought to steal all of our nuclear weapons secrets from our DOE labs; the same China that sought to buy the 1996 Presidential election, and massacred students at Tiananmen Square; the same China which has committed genocide in Tibet and which is supplying state sponsors of terrorism in Iran, Libya, Syria, and North Korea; the same China that has provided missiles and other weapons of mass destruction and technology to be sent around the world; the same China that threatened a nuclear attack on California and which has implied it would use the neutron bomb against Taiwan.

Here is the flag right here. Eighty-eight more days. In 88 more days, it will be hanging on a mast over that canal. That is the flag. That is also the flag of a country to which, right here in this Senate, a majority of my colleagues, I regret to say, said we should provide most-favored-nation status.

In conclusion, the United States should re-engage the new government of Moscoso on the issue of a continued U.S. presence. General McCaffrey, the drug czar, has shown a renewed interest on what he now calls an emergency situation in Colombia, albeit several years after the State Department and the Clinton administration stalled, thwarted, and blocked congressional efforts to assist Colombia's antinarcotics police in its fight against the FARC.

Despite these differences over tactics in the drug war, McCaffrey stands out in the Clinton administration as someone who cares about the drug problem.

But this is bigger than drugs. This is drugs—there is no question about it—but it is also the national security of the United States.

We could also urge the new Panamanian Government to conduct a referendum on maintaining a U.S. presence. No one is talking to them about that. We could urge reopening of the bidding process to be more fair and equitable, and to ensure that no hostile powers are permitted to bid. We are not doing that either.

The canal was built at a tremendous expense—$32 billion—and at the sacrifice of thousands of American lives. What a pity, the good working relationship that has developed between Panama and the United States to be lost because of the ineptitude and indifference of people in the State Department and the Defense Department of this administration. If this administration remains blind to the threat facing Panama, it is incumbent upon this Congress to make the case to the American people, to the new government in Panama, and to the Panamanian people.

That is exactly what I intend to do on this floor every day that I can get the time and the floor to do it between now and December 31. I am going to be posting another flag each day to remind the American people that we are getting closer and closer and closer to the People's Republic of China—Communist China—controlling both ends of the Panama Canal—the country that has trampled the rights of Tibetans, that threatened to run over its peaceful protesters with tanks, that has stolen our nuclear secrets, that funneled money into our Presidential campaigns, and purchased or stolen other targeting devices to target our cities, and, frankly, threatened the country of Taiwan, and even threatened California if we step in. What do we do on the Senate floor? Not only do we let them take the canal, but we also give them most-favored-nation status.

At some point, the American people are going to have to wake up. I don't know when it is going to be. But I hope it is not too late.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business for up to 20 minutes.

Mr. GORTON. Mr. President, we are trying to get moving on the FAA authorization bill. Will the Senator from Wisconsin agree to shorten his remarks, if we are ready to go? We are still trying to negotiate.

Mr. FEINGOLD. Mr. President, I would be happy to shorten my remarks in the necessity to move forward.

Mr. GORTON. I thank the Senator for his courtesy. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Washington.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1636 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FEINGOLD. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. GORTON. Madam President, I now ask unanimous consent that the substitute amendment I presented earlier today be agreed to and be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1891) was agreed to.

AMENDMENT NO. 1892

(Purpose: To consolidate and revise the provisions relating to slots and slot exemptions at the 4 high-density airports)

Mr. GORTON. Madam President, I now send an amendment to the desk for myself, for Mr. ROCKEFELLER, for Mr. GRASSLEY, for Mr. HARKIN, and for Mr. ASHCROFT, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT, proposes an amendment numbered 1892.

Mr. GORTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GORTON. Madam President, I am going to explain this amendment in some detail, as it has been the subject of both long negotiations and much controversy internally in the Commerce Committee in the almost 7 months since the Commerce Committee bill was reported to the floor, and today.

I will say right now, for my friend and colleague from Illinois, after I have spoken on the amendment and Senator ROCKEFELLER has made any remarks on the amendment that he wishes, at the reasonable request of the Senator from Illinois, after any remarks he wishes to make, we will not take further action on this amendment today. The Senator from Illinois may have an amendment to this amendment. He may simply debate against and speak against the passage of this amendment. He prefers to do that tomorrow. At least informally, I will undertake that it will be the first subject taken up tomorrow. I am not certain I can give him absolute assurance of that, but I believe it should be the first subject taken up tomorrow, the debate to take place on it, and the positions of the Senator from Illinois presented.

There are other Members of the body who may also wish to amend this amendment. This amendment is central to this overall debate. Once we have completed action on this amendment, I suspect most of the other amendments to the bill will require much less time and will be much less controversial.

In any event, the background to the high density rule that is the central subject of this amendment is this: In 1968, that is to say, 31 years ago, the Federal Aviation Administration established a regulation to address serious congestion and delay problems at five of the nation's airports. That regulation, known as the high density rule and implemented in 1969, governed the allocation of capacity at Chicago O'Hare, Washington National, and JFK, LaGuardia, and Newark airports in the New York City area. Newark was later exempted from the rule, so it now applies only to four airports.

The high density rule allocates capacity at the four airports by imposing limits on the number of operations (takeoffs or landings) during certain periods of the day. The authority to conduct a single operation during those periods is commonly referred to as a ''slot.''

The Gorton/Rockfeller amendment consolidates all of the negotiated agreements to lift the high density rule, the slot rule, at Chicago O'Hare, LaGuardia, and JFK, and to ease the high density rule and the perimeter rule restrictions at Reagan National.

With respect to Chicago O'Hare, the amendment would eliminate the high density rule at O'Hare, effective April 1, 2003.

Regional jets and turboprops would be exempt from slot requirements effective January 1, 2000, for service to airports with fewer than 2 million annual enplanements. There are two additional conditions that would have to be met before carriers could take advantage of this interim regional jet/turboprop exemption. First, there could be no more than one carrier already providing nonstop service to that airport from O'Hare. Second, the exemption would only be available for new service in the market, such as when a carrier is adding a frequency to the applicable market, or upgrading the aircraft that provides its existing service in the market from a turboprop to a regional jet.

Regional jets would be defined as aircraft having between 30 and 50 seats.

Limited incumbent air carriers would also be exempt from the slot requirements at O'Hare, effective January 1, 2000. The terms ''new entrant'' and ''limited incumbent'' air carrier are often used interchangeably. Limited incumbent air carriers are currently defined as those carriers that hold or operate 12 or fewer slots at a high density airport. The Gorton/Rockefeller amendment would redefine limited incumbents as those carriers that hold or operate 20 or fewer slots at a high density airport. The limited incumbent would be exempt from the high density rule only if they were providing new service, or service that they were not already providing in a market

The Department of Transportation would be required to monitor the flights that are operated without slots under the exemption from the high density rule. If a carrier was operating a flight that did not meet the specified criteria, the Department of Transportation would be required to terminate the authority for that flight.

O'Hare is currently slot controlled from 6:45 a.m. to 9:15 p.m. The amendment would reduce the slot controlled window at O'Hare from 2:45 p.m. to 8:15 p.m., effective April 1, 2002.

International service to O'Hare would be exempt from the slot requirements beginning April 1, 2000, except or foreign carriers where reciprocal access to foreign airports for United States carriers is not available.

Carriers would be required to continue serving small hub and nonhub airports where the carrier ''provides air transportation of passengers . . . on or before the date of enactment'' of the bill using slot exemptions. This period of required service at O'Hare would last until March 31, 2007. A carrier could get out from under these requirements if it could demonstrate to DOT that it is losing money on the route.

The amendment would terminate the high density rule at LaGuardia and JFK, effective calendar year 2007.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. There are two additional conditions that would have to be met before carriers could get a regional jet slot exemption. First, there could be no more than one carrier already providing nonstop service to that airport from LaGuardia or JFK. Second, the exemption would only be available for new service in the market, such as when a carrier is adding a frequency to the applicable market, or upgrading the aircraft that provides its existing service in the market from a turboprop to a regional jet.

Regional jets would be defined as aircraft having between 30 and 50 seats.

Limited incumbent air carriers would also be eligible for slot exemptions at LaGuardia and JFK. Limited incumbent air carriers are currently defined as those carriers that hold or operate 12 or fewer slots at a high density airport. The Gorton/Rockefeller amendment would redefine limited incumbents as those carriers that hold or operate 20 or fewer slots at a high density airport.

The amendment would ease the current criteria that enable new entrant/limited incumbent air carriers to acquire slot exemptions. The Department of Transportation is currently authorized to grant these slot exemptions when to do so would be in the public interest, and when circumstances are exceptional. On most occasions, DOT has interpreted the ''exceptional circumstances'' criterion to mean that there is no nonstop service in the route proposed to be served. In other words, DOT would grant an exemption only when there is no service between the city proposed to be served and the high density airport. The amendment would eliminate the ''exceptional circumstances'' criterion.

The amendment would establish a 45-day turnaround for all slot exemption applications submitted to the Department of Transportation. If the Department does not act on the application within 45 days, it would be deemed to be approved and consequently the carrier could initiate the proposed service.

Carriers would be required to continue serving small hub and nonhub airports where the carrier ''provides air transportation of passengers * * * on or before the date of enactment'' of the bill using slot exemptions. This period of required service at LaGuardia and JFK would last until calendar year 2009. A carrier could get out from under these requirements it it could demonstrate to DOT that it is losing money on the route.

Next Reagan National. The amendment would establish 12 perimeter rule/slot exemptions for service beyond the 1,250-mile perimeter. To qualify for beyond-perimeter exemptions, the proposed service would have to provide domestic network benefits or increase competition by new entrant air carriers.

The amendment would establish 12 slot exemptions for service within the perimeter. Carriers could only apply to serve medium hubs or smaller airports from Reagan National.

The amendment would establish a 45-day turnaround for all slot exemption and perimeter rule exemption applications submitted to the Department of Transportation. If the Department does not act on the application within 45 days, it would be deemed to be approved and consequently the carrier could initiate the proposed service.

On another subject, safety and delays, the Department of Transportation concluded in a 1995 report entitled, ''Report to the Congress: A Study of the High Density Rule'', that changing the high density rule will not affect air safety. According to DOT, today's sophisticated traffic management system limits demand to operationally safe levels through a variety of air traffic control programs and procedures that are implemented independently of the limits imposed by the high density rule. The Department report makes assurances that Air Traffic Control, ATC, will continue to apply these programs and procedures for ensuring safety regardless of what happens to the high density rule.

Many improvements have been made in infrastructure and air traffic management in the 30 years since the high density rule was first implemented, which should allow for additional operations without additional delays.

Improvements on the ground, including high speed runway turnouts, additional taxiways, and larger holding areas at the ends of the runways allow more efficient utilization of the gates and ground facilities and thus increase the capacity at high density airports.

Enroute, approach and departure air traffic management improvements have increased the air space capacity above high density airports.

In 1968 there were no ''flow control'' measures. Aircraft stacked up in the air rather than being planned and routed for arrival. Modern ATC flow control has significantly increased the airspace capacityu, while improving safety.

Greater precision radar has decreased aircraft spacing requirements, thus increasing capacity without sacrificing safety. Further improvements are expected with the existing Global Positioning System, GPS, Technology, allowing for additional capacity increases.

Future initiatives at Chicago's O'Hare and New York's LaGuardia and JFK will permit growth without undue operational delays.

Airspace redesign, essentially the rethinking of the approach, departure and routing of aircraft, was proven effective in a recent pilot project a Dallas-Fort Worth. Redesign efforts are currently underway for the Chicago area and other airports.

Other FAA programs, such as RNAV (area navigation) and the National Route Program, already in use in some locations, will further enhance enroute and terminal capacity.

Technology improvements such as digital data transfer between controllers and pilots, automation tools for managing traffic flows, and precision location devices such as GPS will greatly increase capacity throughout the national airspace system.

The recent ATC problems were due in part to the unique combination of adverse weather and the introduction of new systems at key airports. The gradual phaseout of the high density rule will allow time to fix these problems, and for the growth in capacity to match the increased air traffic control capability.

The amendment allows 7 years before the slot rule is removed for the New York airports, and more than 3 years for Chicago. This phaseout allows adequate time for the FAA's initiatives to be in place.

Even if there is some increase in delays, in both Chicago and New York,

competitive nearby airports such as Midway and Islip provide a natural safety valve.

Many new entrant carriers operating point-to-point have found that using nearby secondary airports is a profitable way to offer service to major cities. If delays and the associated costs do increase in Chicago and New York's major airports, more operations will naturally move to these secondary airports.

Madam President, that is an explanation both of the details of this amendment and the rationale for the amendment. Again, in connection with the bill as a whole, this represents the level of partnership between Senator ROCKEFELLER and myself, but as broad consultation and as much agonizing discussion over the details as can possibly be imagined under circumstances on a subject so important.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I fully agree with my colleague from Washington. In fact, I have a whole series of pages about various States, various airports, various Senators, and the problems they had—and in one case may still have—with whom we worked out agreements. This was a very arduous process.

An airport is a very large employer when one is talking about the number of planes that can fly in and fly out. Every flight, in fact, represents two slots, a landing and a takeoff. It was a very controversial subject. This is probably the most controversial subject, but we worked a long time to try to work this out. We did it, as the Senator indicated, with an expedited review process in certain places, we did it in good faith, we did it slowly, and we did it over a period of time. We did it, we thought, trying to accommodate as much as possible the needs of individual Senators who, quite naturally, take these things particularly seriously. The Presiding Officer and I wish we had problems of this sort, but for those who do, it is a real problem. We recognized that, and we tried to deal with it in a fair manner.

First, I will not give the full explanation my colleague did, but I will say it is carefully crafted, it is based on compromise, and it balances both the questions of congestion and of noise. There are those who feel strongly about both or one or the other in various proportions. Obviously, all of them represent high-density airports, although it should be said there are a lot more than four high-density airports. Atlanta, for example, is neck and neck with O'Hare in terms of its density, but is not included in the high-density treatment.

I thought the handling of Reagan National was good because we went from 48 slots to 24 slots; 12 outside the perimeter and 12 inside the perimeter. That is good for the Presiding Officer and the present speaker because that allows more entrants into National, and that is desirable.

It also is a fact that this was in the original bill, and it was retained in the substitute. That speaks to something within the authorizing context. In other words, people on the Commerce Committee overwhelmingly believed this was a very important and fair treatment.

We did not make the treatment of every airport exactly the same in terms of the phasing out of the high density rule because not every airport is the same. We did not do it as a collection of our own air genius or mathematical equations; we did it because the FAA advised us very carefully as to what we ought to do on that according to their best calculations. The idea was, instead of gradually phasing out the high density rule altogether, to, rather, establish some interim rules to allow small communities—this is a very important point—to allow small communities and to allow new entrants to get a head start on this process.

If you come from rural America and if you believe in a competitive market system, that becomes extremely important. Small communities do get a head start to add flights and fill capacity in this compromise which has been worked out.

I have explained the Reagan Airport situation.

The amendment, again, specifically protects service to small communities—which is of interest to many of us—under slot exemptions that were previously granted by the Department of Transportation.

It requires that airlines continue the service until 4 years after the lifting of the high density rule at O'Hare—until the year 2007—and 2 years after the lifting of the high density rule at Kennedy and LaGuardia for that purpose.

Understandably, some Members were very concerned. When we began to talk about this, they were very worried it would come off that the airlines, therefore, would have no incentive to keep any of their business in smaller communities or in smaller markets; that they could simply pick up their slots and take them elsewhere.

This amendment prevents them from doing that. It prevents them from abandoning these markets unless, as Senator GORTON indicated, they can prove to the Department of Transportation—which will be under the majority of this body, which is rural or part rural in nature; a lot of pressure—that they are suffering, as they say, substantial losses on these routes. So that is a clear effort to protect service for small communities, and that is something which I value very much.

As Senator GORTON also explained, this amendment expands the definition of a ''limited incumbent.'' These carriers are already serving one of the four high-density airports, but do so with only a very few number of flights. This was of particular value to many of our Midwestern colleagues. There are a whole series of them who, I think, are quite happy as a result of this.

The new definition will give more low-fare, new-entrant carriers access to these major airports. Again, I go back to the philosophy of all of this that, after all, we do have 15, 18 major airports in the country, but fundamentally we are a hub-and-spoke system. And the Presiding Officer and the junior Senator from West Virginia come from States that are spokes; we are not hubs. We never will be. We depend upon carriers that are in the hubs coming out, as they compete in this most competitive of all businesses—in our market system—to compete for new passengers. So they, in classic fashion, have to increasingly come out into the rural areas to draw passengers into their hubs. There will be an amendment about the nature of these hubs to attract them, so they can put them into the bloodstream, so to speak, the flow stream of their business.

In my opening statement, when I talked about the enormous increase in new regional jets which will be taking place in the next number of years, that is one of the reasons the number of these regional jets will be increasing—because they are being sent from hubs out to the smaller areas to pick up passengers, to bring them into the larger hub airports, and then going on to wherever they wish from there.

One very important thing. I am not sure the Senator from Washington said this or not; he probably did, knowing him. There is an important caveat for any change in the high density rule. This is not just something the Congress has such power to decide that we just abrogate or pretend the FAA does not have ultimate understanding of what constitutes safety in a system.

The FAA retains the ultimate authority for air traffic operations, and they have the ability to step in because of safety or delay. They can intervene. They can intervene when they think there is a problem or a crisis. And they can do so on a unilateral basis.

In addition, I might add, both the General Accounting Office and a number of economists, over a lot of years, have pointed out that slot rules, in effect, act as a major barrier to airline competition. That new entry at four airports—there are a lot of people who cannot get into those airports because of the slot rule. Again, the FAA would have to maintain the sureness of safety, and the rest of it, but you want people to be able to get in and out of airports.

As to new technology, if we would only make available the money, they have all kinds of new ways now of charting courses for airplanes, be they commercial or private, which allow a more efficient use of airspace, which we cannot now do because we do not have the technology. Each computer in all of these many centers across the country does not have the ability to differentiate the altitudes or whatever some of the other details are that allow the plotting of air courses. So there is room for more, and in not only the four

high-density airports but also generally speaking.

Then, finally, this amendment does require noise studies. Noise is a factor. Noise is not the only factor in life, but it is a factor. It gives priority to high-density airports. There is the allocation of money for those noise abatement studies.

So I think it is a very good amendment. It certainly is a long-worked-at amendment. I urge my colleagues to join in the adoption of this amendment.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, does the Senator from Illinois wish to make any remarks now or should we just go on to another subject?

Mr. FITZGERALD. Madam President, if I could just take a moment now, I say to the Senator from Washington, I would be happy to take my time tomorrow when we consider the amendment on lifting the high density rule. But if I could just reiterate my opposition to lifting the high density rule.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. As was noted earlier, the FAA imposed the high density rule back in the late 1960s. It was an internal FAA rule. I guess I am a little perplexed as to why Congress would come in and rewrite, with statute, an FAA rule.

If the FAA thinks it is a good idea to lift the slot rules at O'Hare, if they think it is safe to do that, they are confident it will not add to any delays at the most congested, most delay-filled airport in the country, then the FAA can go in and do that. So I guess the threshold issue is, I am perplexed why we would come in and write a statute that overrides a Federal Aviation Administration rule.

I do believe, while the proponents of this proposal have good intentions; they would like to increase competition and access to the Chicago market; and certainly it could be argued that would benefit the whole Nation and could even benefit Chicago—a basic law of physics says that you cannot have two objects occupying the same space at one time.

Right now, O'Hare, which has over 900,000 operations a year, is already at capacity. The FAA commissioned a study in 1995. That study concluded that the absolute maximum number of flights or operations one could have at O'Hare in an hour was 158. Today, we are at 163 operations at O'Hare in an hour. This proposal before the Senate is to lift any restrictions at all.

A flight lands and takes off every 20 seconds at O'Hare. If we want to cram more flights into O'Hare International Airport, are we going to close that 20 seconds that divides each flight going in and out of O'Hare? What is a safe amount of time? Ten seconds between flights? How would you like to be coming in 10 seconds behind the plane in front of you with another flight 10 seconds behind you? Would you feel safe flying that jumbo jet in that compact air space?

Going into O'Hare right now, one can look in every direction and see planes lined up as far as the eye can see waiting to land at O'Hare. In the morning hours at O'Hare, there are typically as many as 100 flights waiting to take off.

I hope the Members of this body will give thought to what we are doing. With this lifting of the high density rule, we are saying it is safe to cram more flights into the most congested airport in the country; that it is not endangering the safety of the flying public and that it won't add delays.

I never did take physics in high school. I have to admit it. I was a classics major. I majored in Latin and Greek. I took a lot of humanities courses and my great interest was not science. But I am going to be interested to hear whether there is some scientific evidence that we can keep packing more and more flights into the most congested, dense, delay-filled, crowded air traffic space in the world. I will be interested to learn why other Members of this body think that is a good policy and why it would be safe.

With that, I look forward to being afforded the opportunity to speak on this matter tomorrow. I thank the distinguished Senators from West Virginia and the State of Washington for conferring with me this afternoon. I look forward to being given the time to address this matter to the full Senate body tomorrow. Hopefully, at that time, more of my colleagues will have arrived, many of whom will have passed through O'Hare and probably some, quite a few, who will have incurred delays on their way passing through O'Hare.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I ask unanimous consent that all first-degree amendments to S. 82 be filed at the desk by 10 a.m. tomorrow, Tuesday, with all other provisions of the consent agreement of September 30 still in effect. This has been cleared on all sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1893

(Purpose: To amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes)

Mr. GORTON. Madam President, I send an amendment to the desk for Senator ROCKEFELLER and myself, and I ask unanimous consent that the pending amendment be set aside so we may consider this one.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 1893.

Mr. GORTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GORTON. Madam President, last Friday, I joined my friend and colleague, Senator ROCKEFELLER, in introducing S. 1682. This measure is the culmination of input from a broad range of aviation interests. Senator ROCKEFELLER and I have been holding a series of meetings with industry representatives searching for input on how we can make a positive legislative impact on the current air traffic control system.

Three common themes emerged from these meetings: First, there will be a crisis in the aviation industry if we continue to experience the delays that plagued the system this summer. Second, the Federal Aviation Administration is doing a better job of responding to these problems under Administrator Garvey. The third point is, incremental changes are probably the best approach to take in reforming the system, as much as the Senator from West Virginia and I might very well prefer a more drastic reform.

The amendment we have just introduced is the text of that S. 1682.

Madam President, by now I am sure you have heard the analogy that fixing the air traffic control system is similar to trying to change a flat tire while traveling down the highway at 60 miles per hour. While I don't view the problem as being that daunting, I certainly think we can use a few good mechanics to help get the FAA back on the right track. I think the legislation Senator ROCKEFELLER and I have introduced is a step in the right direction. While I am in favor of an end result that goes much further, positive action is needed. At this time, we cannot let the perfect be the enemy of the good.

Our approach would attack the problem from the management side. It is no secret that the FAA has a history of problems controlling costs and schedules on large-scale projects. We hope the creation of the chief operating officer position, with responsibility for running and modernizing our air traffic control system, will inject the necessary discipline into that system. S. 1682, the current amendment, would also create a subcommittee of the Management Advisory Committee to oversee air traffic control services. Of course, in order for there to be a subcommittee of the MAC, we must first have an MAC. I am assured by the FAA that the Management Advisory Committee will be appointed soon. Let me assure you that this subcommittee chairman will not look favorably on any further delays on this question.

As we prepare to move into the 21st century, the NAS must be prepared to

meet the challenges of increasing demand on an already strained system. A blueprint for this system should be a top priority for the FAA. S. 1682, this amendment, authorizes $12 million a year for the FAA to develop a long-term plan to provide direction. The most radical portion of this bill and the amendment deal with an innovative financing pilot project. This provision would set up a mechanism to establish public-private joint ventures to purchase air traffic control equipment. Ten projects for ATC modernization equipment will be selected, $5 million per project, with a total cap of $500 million. FAA seed money would be leveraged, along with money and input from the airports and airlines, more quickly to purchase and field ATC modernization equipment.

As I stated earlier, this is not the final solution to our air traffic control system woes. We hope, however, that this will be the first step in a long journey to ensure Americans continue to enjoy the safest, most efficient aviation system in the world. I urge my colleagues to join me in support of this amendment.

An oversight committee for air traffic control: The bill and the amendment provide the FAA Administrator with authority to create a subcommittee of the current Management Advisory Committee, a 15-member panel appointed by the President, with the advice and consent of the Senate, to oversee air traffic control services.

A COO for air traffic: The bill and the amendment create a new chief operating officer position with responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and the budget for air traffic services. The COO reports to and serves at the pleasure of the Administrator for a 5-year term. Compensation is comparable to the Administrator's but with the possibility of up to a 50-percent performance bonus at the discretion of the Administrator.

Performance bonus for the FAA Administrator: The bill and the amendment provide a performance bonus for the FAA Administrator at the discretion of the Secretary of Transportation of up to 50 percent of the Administrator's salary.

National Airspace Review and Redesign: The bill and the amendment mandate a review and redesign of the entire country's airspace. They authorize $12 million per year to carry out the project, require industry and State input, and impose periodic reporting.

Cost allocation milestones report: The bill and the amendment require the FAA to provide a report on the progress it is making on the cost allocation system.

ATC joint venture: The bill and the amendment set up a mechanism to establish public-private joint ventures to purchase air traffic control equipment. Ten projects for air traffic control modernization equipment will be selected, $50 million per project, with a total cap of $500 million. FAA seed money will be leveraged, along with money and input from the airports and airlines, more quickly to purchase and field ATC modernization equipment. A portion of the passenger facility charge, 25 cents, could also be used for financing.

That is a brief explanation of the bill and, of course, of this amendment. The Senator from West Virginia and I believe we will probably be able to accept this amendment by a voice vote tomorrow. But we do want it before the body at the present time, so that if anybody has any questions about it or about any of the provisions of the amendment, they may contact us before the proposal comes back up tomorrow. My present intention would be to bring this up for discussion and vote after we have disposed of the early amendment on slots and any amendments to that amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I agree with everything my colleague from Washington has said. I should say that he and I began working on this amendment in earnest a number of months ago when we were in the midst of the summer and the headlines were full of all the problems of the air traffic control system, which were becoming manifest to anybody reading a newspaper, watching television, or listening to the radio.

When I use the word ''troubled'' to describe our air traffic system, I need to be very careful and clear because the FAA, our air traffic controllers, the pilots, and flight attendants in this country have had an air safety record that is extraordinary. It is not only safe but it is a very secure air traffic operation. So people say: Fine. Then why worry about the future?

As I explained in my opening statement, the future is going to bring double, or triple, or quadruple virtually everything—whether it is air cargo, letters, passengers, numbers of aircraft, international traffic, and the rest of it.

Let me assure my colleagues that the word ''troubled'' is not about safety, although we always have to keep our eye on that, but it is about productivity, about capacity, about efficiency, about outdated equipment, about insufficient runways, and insufficient runways that are insufficiently distant from one another; if there happen to be two, or if they happen to be parallel, you can't use them efficiently to land two airplanes at the same time. It is about surging traffic demand, about fractured organizational structure, and it is about us in the Congress; it is about a highly unpredictable, highly irregular process of funding.

Funding the FAA and its air traffic control operation is not at all unlike running IBM or Dell Computer. You are meant to have a business plan, a 5-year outlay of budget, and you are meant to know what kind of equipment you can buy 1 year from now, 2 years from now, 3 years from now, so you can begin to prepare for that. We in this Congress, have specialized in declining to make that ability available to the people who fly 2 million of our people around every day. So what Senator GORTON and I have done today is not to offer, as he indicated, dramatic reform or restructuring of the FAA, because we know there is a lot to be worked through, that it would be premature to do that today.

In fact, on the floor of this body and in the Halls of this Congress, there is very little discussion, if any, on what ought to be discussed at great length about the FAA—about equipment, about computers, about what is the state of stress, or lack of stress, for the people who are in our towers, whom both the Senator from Washington and I have visited.

So we are trying to decide how best to proceed on FAA restructuring, and we have decided to try to get as much consensus from the Congress and industry and across the Nation as we can. Now, some believe we should create an independent FAA, a privatized FAA. Some believe we should privatize air traffic altogether. Some believe user fee funding is the key to improving efficiency. Some believe the FAA is slow and cumbersome because it is a Federal agency. And some believe they are kind of on the right track already, so why intervene—again, no catastrophic actions.

In any event, despite the fact that we are not ready to enact—Senator GORTON and I—a so-called big-bang solution, in no way is there reason to do nothing. It is to take steps to make air traffic control next year better than this year or next year for the FAA to be better than this year. It is clear that the FAA needs interim reform and interim direction and encouragement. So as the Senator indicated, we are offering a package of incremental reforms that will, in a sense, send the FAA both the tools and the message to improve current management and operation of the system without prejudging what the final long-term broad change might be.

The Air Traffic Improvement Act of 1999 is focused in two key areas, as my colleague discussed. The first is internal FAA management reforms, and the second is modernization of equipment and technology. Both are enormously important. On the management side, the bill builds on reforms enacted in 1996. It uses the management advisory committee, or MAC as it is called, which I will have to say the administration has not set records in putting in place, i.e., they have not. But they have said they are going to send the nominations for it very soon and designate a subcommittee to advise and oversee air traffic control services.

We create in this amendment a chief operating officer position, and that is very important. There isn't any corporation of any size that doesn't have

that kind of person. You have the person who runs it, the CEO, and you might have the chief financial officer, but you always have a chief operating officer. We don't. The FAA has 55,000 people for whom it is responsible. That is a very large corporation. We believe that, together, the chief operating officer and the ATC Subcommittee will have central responsibility for running and modernizing air traffic control, developing a strategic plan, and implementing it.

I personally have enormous respect for the FAA and believe in and trust in the judgment, instincts, and actions of our Administrator, Jane Garvey. I think she is absolutely first class. I have spent a lot of time with her and talked a lot with her. She ran Boston airport. If you run Boston airport, you know what you are doing. She knows what she is doing. She has a strategic way of thinking. She listens a lot. She is around the country visiting people a great deal. We are very lucky to have her. But putting together a budget for air traffic services is very important and calls for a chief operating officer.

Having said that, let me say the Administrator will continue to always have the final say and always the accountability for air traffic. This is not a dilution of responsibility; it is simply making an organization more efficient, with no dilution of responsibility for the Administrator. We have to make sure we can attract and maintain the highest caliber leadership in our system. Again, I make the comparison to IBM or Dell Computer, which are very large corporations. Public service does not pay very well.

Senator GORTON and I believe it is very important that we have the highest caliber and that we retain the highest caliber leadership in running our system. That means including the possibility of a performance bonus for the chief operating officer and for the FAA Administrator at the discretion of the Secretary of Transportation. That is a very important point. Some people will say: Oh, that is going to be more salary.

Again, I remind you that there are 50,000 people, 2 million passengers, and all of these airplanes going all over the country. I have a chart, which I will not hold up because I don't believe in displaying charts on the Senate floor. I never have, and I hope I never do. But if I did, I would show you a chart which is basically the entire United States colored in red. The red is made up of very fine, little red lines, each one representing a flight. At a specific hour of a specific day—if you pick, for example, 5 o'clock in the morning, I am not one who would eagerly seek the opportunity to fly at 5 o'clock in the morning, but there are many Americans who do—if you look even at the west coast, it is colored red. If you look at 8 o'clock in the morning, you might as well forget anything in the country other than the color red.

I raise the suspicion that they must have left out West Virginia because we don't have a lot of flights at 5 o'clock or 8 o'clock in West Virginia. The point was made in clear logic that these are planes that are flying over the State of West Virginia and perhaps the State of Maine in the process.

In any event, I believe in the idea, when you have a system that is complicated requiring that much technology, requiring that much efficiency, and requiring planning, that you get and you retain the best people possible. That means, in my judgment, and in Senator GORTON's judgment, the possibility of a performance bonus for the chief operating officer and the FAA Administrator.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system and the effectiveness of the agency. That is kind of a bland sentence, but within it is a lot of power.

It is a little bit similar to HCFA. I have dealt now with I don't know how many HCFA Administrators. But they all say: Just give me four or five good lieutenants and I will be able to control this agency. They all failed because there are 4,000 health care experts in HCFA who look upon each HCFA Administrator as somebody who is going to be there for 2 years, and they are usually right; and be gone within 2 years, and they are usually right; that they will be there forever, and they are usually right. They know about health care. But they choose not to make decisions rapidly or efficiently. That means the Administrator and the chief operating officer, if we have one, need to have a lot more authority in a sense to shake up the system.

Senator GORTON and I would encourage that because we think that efficiency within the system is tremendously important. We set deadlines. We set milestones. We can't tell you right now in this country how much it costs for an airplane to fly from Boston, MA, to Dallas, TX. Ask us that question. Ask the FAA that question. How much does it cost? What is the cost of that flight? Nobody can give you an answer. That is inexcusable. This is one of the things that has to be done. It is one of the things that the FAA desperately wants to be able to do. What does it cost to run the air traffic control system in order to allow that flight to take place? We need to know those answers so we can allocate these costs fairly among users.

That is a very important principle. Not all airlines are the same. Not all airlines use the same approaches or have the same number of people or charge the same. There are differences in what they pay. Their obligations to the system, in terms of financial input, have to be based upon what their costs are. Therefore, we need to know what those costs are.

With respect to air traffic modernization, the bill calls for a comprehensive review and design of our airspace on a nationwide basis. Are we using it effectively? Are there more creative ways of routing a plane safely? You can do that if you have new technology. They have the technology at Herndon, VA. But do they have it in all of the air traffic control centers across this country? The answer is no, they don't. Until they do, that is going to be hard.

But Senator GORTON and I have an obligation to push, to push the Congress and to push the Senate to want to focus on these problems: one, to care about these problems; and, second, to do something about this.

We have 29 million miles of national airspace. I don't know how many times that is around the world, but it is a lot. Twenty-nine million miles of airspace is an incredible amount. It is divided into more than 700 individually managed sectors. There are 25,000 of the 50,000 employees that I mentioned who use 575 facilities that run these individually managed sectors. And the air traffic control system manages 55,000 flights and almost 2 million passengers every day. That is an enormous management problem. In fact, it is quite a lot more difficult, I would think, than running Dell Computers or running IBM. Yes, they are international operations. I am talking about their national operations. There is so much more at stake. The life, the safety, the economy, and the convenience of passengers is what is at stake. There is so much more at stake in arranging for the planes to be flown safely and properly.

Having said all of this, of course, I add on, as I always should, that the capacity is going to double in the next decade. We are looking at an ever increasing problem. The FAA has already begun to redesign the process. They are not sitting around. They are working hard. They have established a dedicated airspace redesign office.

Thanks to Senator LAUTENBERG, they received $3 million last year to get started with the redesign work in the New York airspace. That in itself is a national service because it is far and away the most congested airspace in the Nation. Is $3 million going to do that even for the New York area? No, but again, it is a start. It is not the Big Bang theory. But $3 million is enough to get going. Once you start moving, then people start taking a little bit more notice.

We need a nationwide approach to this problem—not just in New York but across the country—rather than doing it on a piecemeal basis, especially since segmented thinking is considered by many, in fact, to be a part of the problem; that we do things by chunks or segments of the country rather than thinking of the country as a whole and how we can best provide a safe air carrier service for people, for packages, for letters, and the rest of it.

The amendment we have offered would do all of this. That makes me happy. It makes me feel that it is a very good amendment.

We direct the FAA to engage in comprehensive nationwide space redesign. We insist that there be industry and stakeholder input. Stakeholder is not shareholder necessarily. Stakeholder means people who ride on these airplanes. And we give them the resources they need to complete the work in a timely fashion.

To realize the full potential of an airspace redesign, we have to have all of the advanced air traffic control equipment in place. Of course, we don't. We are very slow in that today, partly because of the technology development and procurement problems the FAA needs to fix internally. We talk a lot with Jane Garvey about that. She is acutely aware of that and has been working to change that. It is partly because of the vagaries of Congress; that is, the Federal budget process. We are impossible. We have been through so many extensions of a couple of months. It is like we are going out of our way to drive the whole process of this planning and the FAA crazy.

That is why Senator GORTON and I are so glad we have these 2 days, hopefully, to even discuss this. A month and a half ago I wouldn't have bet that we would even be able to take this up this year. And we are. That is a gift to the nation, I think.

If we can't bring it up, then the FAA obviously cannot make budget changes. We are on our way. Our amendment puts in place what Senator GORTON referred to earlier, a new financing mechanism. This is a creative, good thing in this amendment. It is for more rapid purchase of sought-after air traffic control equipment. The amendment sets up a pilot program to facilitate public-private joint ventures for the purpose of buying air traffic control equipment. It is not for profit. It is the Air Traffic Modernization Association. It is a three-member executive panel representing the FAA, commercial carriers, and primary airports.

A lot of airports are very aggressive. I suspect there are several in the State of Maine that want to get going and are being held up. Maybe they have a little bit set aside. Perhaps they want to use some of their passenger service fee. Maybe they want to take 25 cents of that and leverage it into a rather large purchase for some air traffic control equipment which, in their judgment, they need. This allows them to do that. Don't wait for the priority list to come to Bangor, ME, or Charleston, WV. If they have the gumption, they can save up or they can use part of the passenger service fee, say, 25 cents of it, and leverage it and buy modern equipment and jump ahead of the pack. That is what this is about.

Obviously, the FAA will continue to oversee that process. This will not be just a creative exercise by a few happy souls. All projects would have to be part of the FAA's capital plan. There is a cap of $50 million in FAA funding per project. That is pretty good. Most won't use that much. Sponsoring airports can use a portion of their passenger facility charge to meet the commitment. I think that will be very important.

I am sure the Senator from Washington remembers, I got in great trouble on this side of the aisle. I talked with Jane Garvey, Liddy Dole, and others. They said they spent 25 percent of their time as FAA Administrators working solely on concessionaire problems and negotiation problems at Dulles and National. If that was an exaggeration, give them 5 percent. That is when I broke away from our pack and said set up an independent, quasi-public-private authority and let National and Dulles go to the bond market; they will certainly get triple-A rating. They certainly did. We can see what happened to both airports. Dulles will have to do it all over again because they are so successful.

That is what an airport needs to believe they can do. If an airline and its hub airport want new instrument landing equipment, six more precision runway monitors, and aren't on the FAA's list for that equipment or are still years away on the funding schedule, maybe they will decide to get together with the ATM Association on the proposal, the FAA will put up seed money and the airports will do the same. They go to the bond market, get financing for the whole project, and use 25 cents—the PFC charge—to pay for it over 5 or 10 years. That is a great idea.

I am excited about this approach as I am sure is obvious. We have only heard positive feedback from all parties—the industry and the airport community. They say, given the change, they are ready to go if we pass the amendment.

Finally, the Air Traffic Management Improvement Act also includes authorization up to $100 million to speed up purchases and fielding of modernization equipment and technologies. I am happy to note we have dropped that provision because of the agreement reached with the majority—thank you to the majority—to increase authorization for FAA equipment and facilities by $500 million annually.

We are on the move if we pass this. Over time, we will have to spend even more of our Federal dollars on air traffic control and modernization effort. I know we will be considering some ideas for solving FAA's budgetary problems when we go to conference.

I—and I suspect I differ with my friend and colleague across the aisle from me—am supportive of Congressman SHUSTER's idea of off-budget. I don't think we can mess around with this situation; it is fraught with danger, and catastrophe is around the corner if we are not willing to spend the money we need to spend. We did it with the highway trust fund. We can put up a firewall, do it off-budget. There are ways to do it. A person can go to some of the air traffic control facilities and see what they are doing, see the stress under which they are working. We have 2 million people in the air, and we want them to be safe.

I am glad we are able to make a strong, tangible commitment to the needs of the system. I think these problems are all shared. We all bear some responsibility for them. We all need to step up to the plate to fix them. The FAA does a very commendable job with a very difficult task. They have a terrific safety record to show for it. I don't want to press their luck, ours, or the system's. The system, as it stands now, is not working as well as it could be or as it ought to be. We can't wait to do something about it.

I yield the floor.

Mr. GORTON. Madam President, we have now a unanimous consent agreement pursuant to which all amendments must be filed by 10 a.m. tomorrow. We appreciate the managers being apprised of those amendments to determine whether or not we can agree with some of them, unchanged or with modifications. We will probably go back to the fundamental amendment on slots to which the Senator from Illinois has objected and to which at least one Senator from Virginia, if not other Senators, have amendments to propose first thing tomorrow when we return to this bill.

If, however, there are amendments that can be agreed to relatively quickly, we may do that later on this evening after the votes at 5:30.

We will not debate either the Department of Transportation appropriations bill or nominations, so Members can come with amendments to this bill until 5:30 this afternoon. If they do, we will attempt to deal with them. If they don't, we will begin tomorrow. I know the leadership and certainly the managers of the bill want to finish this bill some time tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 1893 offered by the Senator from Washington, Mr. GORTON, for himself, Senator ROCKEFELLER, and others.

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1898

(Purpose: To require the reporting of the reasons for delays or cancellations in air flights)

Mr. BAUCUS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 1898.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING OF REASONS FOR DELAYS OR CANCELLATIONS IN AIR FLIGHTS.

In addition to the information required to be included in each report filed with the Office of Airline Information of the Department of Transportation under section 234.4 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act), each air carrier subject to the reporting requirement shall specify the reasons for delays or cancellations in all air flights to and from all airports for which the carrier provides service during the period covered by the report.

Mr. BAUCUS. Madam President, I am offering today an amendment to address what I believe is a complicated and growing problem for all Americans—flight delays and flight cancellations.

The problem is not that delays and cancellations occur. Of course they do. That is only natural. But with different weather conditions, and with the country as large and complicated as it is, and airlines trying to maintain a tight schedule, it is only obvious that schedule can sometimes be deeply affected—by weather or equipment problems—so we must expect occasional delays and occasional cancellations.

Right now, it is always a mystery why these delays and cancellations happen. We can guess. We can conjecture. Perhaps it is because of weather. Perhaps it is because of mechanical problems. Perhaps it is the fault of air traffic controllers. There are lots of reasons. But nobody knows—at least the public does not know—precisely the reasons for these delays and for these cancellations.

Why is that? It is very simple. The airlines do not have to tell you. There is no requirement. So when you are stuck in an airport in the middle of the night, the airlines might let you know what is going on or they might not tell you. And after you finally reach your destination there's a pretty good chance that you are never going to know why it was you were stranded thousands of miles away from home, or why you missed that important business meeting. The airlines are not required to tell you the reasons for the delays and cancellations.

You are probably wondering: Why does this matter? If you are stuck, you are stuck. So what is the big deal? What is the difference? The big deal is that it does matter. It does make a difference, a great deal of difference. Speed and efficiency are not only in the interest of the airline, they are also in the interest of all Americans in this modern society.

Time really is money. Flights are often canceled or delayed for economic reasons, and not for mechanical or weather-related reasons. And when these economic delays or cancellations occur, it's usually rural America that gets the short end of the stick.

This is no secret. Domestic airlines sometimes have delays not only for mechanical reasons, not only for reasons caused by air traffic controllers, not only for weather reasons, but for purely economic reasons. They do not want that plane to go because it is not filled up enough; it is not economical enough. The airlines do not have to tell you that.

I have the headline of an article written by Christene Meyers from the front page of the Billings Gazette last week. The headline reads: ''Enduring Plane Misery, Montana Air Passengers Often Grounded by Economics.''

Let me read you a hypothetical situation from the article, a situation that is not so hypothetical and is happening with increasing frequency:

You fly out of Los Angeles at 6:10 p.m., arriving at Salt Lake City at 9 p.m., a minute earlier than estimated. You are delighted and hurry to your gate, to catch the last flight to Billings.

It happens all the time.

You watch, astonished, as the Billings plane is moved from the gate. You're told that your flight is canceled. You're told that your plane has a mechanical problem.

How often have we heard ''mechanical problems'' given to us by the airlines as the problem?

Further investigation discloses that the ''mechanical problem'' business was untrue. Truth is your perfectly functional plane was appropriated for a larger market. There were fewer people going to Billings than going to San Diego. You overnight from Salt Lake City and arrive the next day in Billings—12½ hours late.

That is if you are lucky because very often the next plane is booked; the next flight after that is booked; the next flight after that is booked; the next flight after that is booked.

I am not giving you isolated instances; this happens often in Montana. Montana depends primarily on two major carriers. When a flight is canceled or excessively delayed, there are big consequences. That flight may have been your only chance to get in or out of Montana that day. Again, the plane is not there. It is canceled. You say: OK. Book me on the next flight the next day.

Sorry. It is all booked up. It is overbooked.

Book me on the next flight.

Sorry. Can't.

I have talked to people in my State who had to wait 4 days—4 days—at Salt Lake City waiting for the next available flight. The same occurs in Minneapolis. People tell me they are there with several other people trying to get on a plane from Salt Lake City, and they say: Well, gee, why can't we just rent a car? Can Delta Airlines pay for the car rental? We'll drive from Salt Lake City to our home in Bozeman.

No. Sorry. It is against airline policy to do that.

So people frequently have to take another flight to another city in Montana and then drive or make some other connection. That is not uncommon.

Further into this article, a Delta agent from Salt Lake states:

If we have 40 people waiting for a flight for Billings and 120 waiting to go to San Francisco, it's a no-brainer. . . . It costs less for us to put 30 people up and send them on to Billings than it does to send 100 California-bound people to a hotel.

It is economics. That is wrong. That is not fair. That is not right. If flights are canceled for economic reasons, passengers deserve to know the truth. Let's not fool ourselves. This is not just an inconvenience for rural America; it is much more than an inconvenience. There is also a very direct, strong economic impact.

As my home State of Montana, my neighbors in North and South Dakota and Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable? It is a very basic question. There is a pretty obvious answer. Businesses around the country are going to think twice if reliable flight service cannot be guaranteed.

There are delays and cancellations in other parts of the country, but here is the difference. In other parts of the country, in urban parts of the country, there are other flights, there are other airlines; not so for Montana, for the Dakotas, and for Wyoming. There are not that many daily flights, and because the flights have less economic benefit, airlines often cancel flights for economic reasons; and it is not right.

Montana ranks near the bottom of per capita individual income right now. I am not saying it is because of airlines, but I am saying it is a factor which tends to discourage businesses from locating or expanding in Montana. How can we improve if we cannot guarantee a minimum standard of quality air service? This is not just a matter of inconvenience; it is a matter of jobs. It is a matter of income.

My amendment simply requires that airlines provide all flight information that they currently report and specify the reason why these flights were delayed or canceled. Today, airlines must provide to the Department of Transportation on a monthly basis if an airline flight is delayed, either on arrival or departure. They do not have to give the reasons. They have to disclose that fact.

So I am suggesting—not that they have to write a whole big book on the reasons for the cancellations or the reasons for the delays—that they just say why. What caused the cancellation? What caused the delay?

So in addition to the information shown on the left-hand side of this chart: the name of the airline; the flight number; the aircraft tail number; the origin and destination airport codes; and the date and day of week of flight—but that in addition—it can also indicate whether the cancellation or delay was caused by air traffic control, caused by mechanical failure or

difficulty, caused by an act of God, caused by weather, or caused by economics.

It is a very simple amendment. It does not regulate airlines. It is not imposing new regulations; it is just simply a matter of disclosure—simply giving the reasons why an airline flight is delayed over 15 minutes or just outright canceled.

I realize that simply reporting the reasons for cancellations and delays is not going to stop the practice of delaying and canceling flights for economic reasons because airlines are businesses. They may still want to go ahead and cancel or delay a flight for economic reasons. But I do think the public has the right to know the reason for the cancellation or the delay.

If airlines have to start reporting the reasons for missed connections and disrupted lives, consumers will soon see that rural America is grounded so that the rest of the country can go about its business.

It may turn out that as a consequence there will be fewer cancellations for economic reasons. That is very much my hope, because for many parts of the country, particularly rural America, the airlines' actions are having a disproportionately adverse effect in parts of the country that don't have as much airline service as other parts of the country.

That is my amendment. I see one Senator on the floor. I do not know if he will speak to it or not, but I don't see him jumping up in his chair.

Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the pending amendments be set aside.

AMENDMENT NO. 1899

(Purpose: To provide for designation of at least one general aviation airport from among the current or former military airports that are eligible for certain grant funds, and for other purposes)

Mr. ROCKEFELLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1899.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . DESIGNATION OF GENERAL AVIATION AIRPORT.

Section 47118 is amended—

(1) in the second sentence of subsection (a), by striking ''12'' and inserting ''15''; and

(2) by adding at the end the following new subsection:

''(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least one of the airports designated under subsection (a) may be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).''.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1899) was agreed to.

Mr. ROCKEFELLER. Madam President, for the RECORD, amendment No. 1899 was cleared by the majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE FLOYD RELIEF

Mr. HELMS. Mr. President, it was on September 16 that Hurricane Floyd crashed into the North Carolina coast dumping 20 inches of rain that resulted in devastating floods. The region of Eastern North Carolina most affected was visited by another 4–6 inches of rain just a week later, making an already catastrophic situation even worse.

So I noted with great interest when President Clinton paid a visit to a group of elite international financiers at the annual World Bank and IMF meeting 13 days later (September 29) to make an important announcement. It was there that he disclosed with great fanfare his proposal to forgive 100 percent of the debt owed by some 40 foreign countries to the United States—and much of their debt owed indirectly to the U.S. through the World Bank and the IMF.

Thirteen days after Hurricane Floyd arrived, and when many communities in my state were still literally under water, President Clinton decided it was appropriate to make the following plea on behalf of debt relief to foreign governments—he said: ''. . . I call on our Congress to respond to the moral and economic urgency of this issue, and see to it that America does its part. I have asked for the money and shown how it would be paid for, and I ask the Congress to keep our country shouldering its fair share of the responsibility.''

No wonder my constituents are puzzled as to why, in the words of John Austin of Tryon, North Carolina, ''we can help everyone else—but not our own people.'' North Carolinians understand instinctively that there is something odd about our national priorities when we have spent more—$27.9 billion—on foreign aid in the past two years than the $27.7 billion FEMA has expended in the past ten years. That's right: government aid through FEMA for such wide-ranging disasters as the Northridge earthquakes in California, Hurricane Andrew in South Florida and the catastrophic Midwestern floods doesn't even measure up to the past two years of foreign aid.

Now, I have been in constant communication with the Majority Leader, the Chairman of the Appropriations Committee, members on the other side of the aisle, and countless federal agencies seeking relief for thousands of North Carolinians who have been ruined by Hurricane Floyd. Helping these victims is the number one priority for those with whom I have spoken. And for the record, I am gratified by their cooperation and their determination to help.

With respect to the President's plan to forgive the debts of foreign governments, I remind Senators that every one of the governments whose debt the President proposes to forgive has no one to blame but themselves for pursuing socialist and statist policies, and often outright theft, that drove them in a hole in the first place.

Just how much is being taken away from victims in my state to fund the President's proposal? The Administration calculates that it will cost $320 million to forgive the $5.7 billion in mostly uncollectible debts owed to the U.S. Additionally, Uncle Sam is being asked to underwrite debt forgiveness to the World Bank and the IMF to the tune of $650 million.

That's a total of $970 million which North Carolina and other devastated regions desperately need, but will not get because money used to forgive the debts of foreigners is money that cannot and will not be used to assist hurricane victims.

Bear in mind, Mr. President, that the United States has already provided approximately $32.3 billion in foreign aid to just these countries since the end of World War II. And the U.S. Government has already provided $3.47 billion in debt forgiveness to these countries in the past several years alone.

If Senators study the list of countries, it turns out that the President seeks to reward governments who keep their people in economic and political bondage, and he proposes to do it at the expense of suffering Americans. The human rights organization Freedom House determined that only eight of the 36 proposed beneficiaries are ''free'' in terms of political expression. At least one on the World Bank's list of countries eligible to receive debt forgiveness is a terrorist state, and that's

Sudan. Also included are the communist dictatorships in Angola, Vietnam and the military dictatorship Burma.

The Heritage Foundation determined that none of the countries in question are ''free'' economically. (The economies of the vast majority of the countries judged are either ''repressed'' or ''mostly unfree'' according to the Heritage Foundation's Index of Economic Freedom.) Some countries on the World Bank's list do not even have functioning governments, such as Somalia, Sierra Leone, and Liberia.

Only one of 36 countries voted with the United States more than half of the time at the United Nations in 1998 (that is Honduras, which supported the U.S. only 55 percent of the time). Make no mistake about it: this proposal diverts assistance from Hurricane Floyd victims to corrupt, economically and politically repressed foreign countries—many of whom are not even friendly to the United States.

Mr. President, my office has received a steady stream of visitors and mail urging Congress to support the ''Jubilee 2000'' debt forgiveness plan, which now includes the President's proposal. It has been a well-orchestrated lobbying campaign.

But since the day Hurricane Floyd slammed into the North Carolina coast and dumped 20 inches of rain on the eastern third of my state, the phone calls and mail from North Carolina in support of debt forgiveness to foreign governments has dried up. The reason is clear: we have a natural disaster unlike any seen in 500 years here at home, and our duty is to help suffering Americans first.

Mr. President, I'm putting the Administration on notice here and now that the first priority shall be helping victims of Hurricane Floyd. Not until sufficient resources are dedicated to this effort by the federal government will I agree to Senate consideration of President Clinton's debt forgiveness to foreign governments proposal.

THE COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Madam President, I was fascinated when I saw in the Washington Post this Sunday the front-page headline reading: ''CIA Unable to Precisely Track Testing: Analysis of Russian Compliance with Nuclear Treaty Hampered.''

The first paragraph of the story below that headline said it all:

> In a new assessment of its capabilities, the Central Intelligence Agency has concluded that it cannot monitor low-level nuclear tests by Russia precisely enough to ensure compliance with the Comprehensive Test Ban Treaty. . . . Twice last month the Russians carried out what might have been nuclear explosions at its . . . testing site in the Arctic. But the CIA found that data from its seismic sensors and other monitoring equipment were insufficient to allow analysts to reach a firm conclusion about the nature of events, officials said. . . .

This surely was devastating news for a lot of people at the White House. Our nation's Central Intelligence Agency had come to the conclusion that it cannot verify compliance with the CTBT.

Mercy. I can just see them scurrying around.

But more amazing than this was the response of the White House spin machine. I've seen a lot of strange things during my nearly 27 years in the Senate, but this is the first time I have ever seen an administration argue that America's inability to verify compliance with a treaty was precisely the reason for the Senate to ratify the treaty. Back home that doesn't even make good nonsense.

Yet this is what the White House has been arguing all day today. This revelation is good news for the CTBT's proponents, they say, because the CTBT will now institute an entirely new verification system with 300 monitoring stations around the world.

Madam President, I am not making this up. This is what the White House said.

I say to the President: What excuse will the White House give if and when they spend billions of dollars on a ''new verification system with 300 monitoring stations around the world''—and the CTBT still can't be verified? Talk about a pig in a poke. Or a hundred excuse-makers still on the spot!

If the Administration spokesman contends that the CTBT's proposed ''International Monitoring System,'' or IMS, will be able to do what all the assets of the entire existing U.S. intelligence community cannot—i.e., verify compliance with this treaty—isn't it really just a matter of their having been caught with their hands in the cookie jar?

Let's examine their claim. The CTBT's International Monitoring System was designed only to detect what are called ''fully-coupled'' nuclear tests. That is to say tests that are not shielded from the surrounding geology.

But the proposed multibillion-dollar IMS cannot detect hidden tests—known as ''de-coupled'' tests—in which a country tries to hide the nuclear explosion by conducting the test in an underground cavern or some other structure that muffles the explosion.

''Decoupling'' can reduce the detectable magnitude of a test by a factor of 70.

In other words, countries can conduct a 60-kiloton nuclear test without being detected by this fanciful IMS apparatus, a last-minute cover up for the administration's having exaggerated a treaty that should never have been sent to the U.S. Senate for approval in the first place.

Every country of concern to the U.S.—every one of them—is capable of decoupling its nuclear explosions. North Korea, China, and Russia will all be able to conduct significant testing without detection by our country.

What about these 300 ''additional'' monitoring sites that the White House has brought for as a illusory argument in favor of the CTBT? They are fiction. The vast majority of those 300 sites already exist. They have been United States monitoring stations all along—and the CIA nonetheless confesses that it cannot verify.

The additional sites called for under the treaty are in places like the Cook Islands, the Central African Republic, Fiji, the Solomon Islands, the Ivory Coast, Cameroon, Niger, Paraguay, Bolivia, Botswana, Costa Rica, Samoa, etc. The majority of these will add zero, not one benefit to the U.S. ability to monitor countries of concern. The fact is if U.S. intelligence cannot verify compliance with this treaty, no International Monitoring System set up under the CTBT will. This treaty is unverifiable, and dangerous to U.S. national security.

If this is the best the administration can do, they haven't much of a case to make to the Senate—or anywhere else—in favor of the CTBT. The administration is grasping at straws, looking for any argument—however incredible—to support an insupportable treaty.

We will let them try to make their case. As I demonstrated on the floor last week, the Foreign Relations Committee has held 14 separate hearings in which the committee heard extensive testimony from both sides on the CTBT—113 pages of testimony, from a plethora of current and former officials. This is in addition to the extensive hearings that have already been held by the Armed Services Committee and three hearings exclusively on the CTBT held by the Government Affairs Committee.

The Senate Foreign Relations Committee will hold its final hearings this Thursday to complete our examination of this treaty. We will invite Secretary Albright to make her case for the treaty, and will hear testimony from a variety of former senior administration officials and arms control experts to present the case against the treaty.

I have also invited the chairman of the Senate Armed Service Committee, Senator WARNER, to present the findings of his distinguished panel's review of this fatally flawed treaty.

Finally, the facts are not on the administration's side. This is a ill-conceived treaty which our own Central Intelligence Agency acknowledges that it cannot verify. Approving the CTBT would leave the American people unsure of the safety and reliability of America's nuclear deterrent, while at the same time completely unprotected from ballistic missile attack. That is a dangerous proposal, and I am confident that the U.S. Senate will vote to reject this dangerous arms control pact called the Comprehensive Test Ban Treaty.

I yield the floor.

MEDICARE BENEFICIARY ACCESS TO QUALITY HEALTH CARE ACT OF 1999

Mr. BAUCUS. Mr. President, I am speaking in support of the Medicare Beneficiary Access to Quality Health Care Act of 1999.

Congress faces historic choices in the next few weeks: managed care reform, campaign finance legislation, whether to increase the minimum wage, Comprehensive Test Ban Treaty. But the problem is, Congress is long on disagreement and short on time. In all my years of Congress, I have scarcely seen a more partisan and divisive atmosphere than that which prevails today.

One area where Congress appeared ready to act this year is in addressing changes to the Balanced Budget Act, otherwise known as BBA, of 1997. I am disappointed that we have not yet done so. Rural States such as Montana have long battled to preserve access to quality health care. I daresay that the State so ably served by the Senator from Maine, Ms. COLLINS, is in somewhat the same condition.

By and large, and against the odds, it is a battle we have generally won. Through initiatives such as the Medical Assistance Facility and the Rural Hospital Flexibility Grant Program, Montana and other relatively thinly populated States have providers who have worked diligently to give Medicare beneficiaries quality health care, but now these providers face a new challenge—the impact of BBA Medicare cuts.

From home health to nursing homes, hospital care to hospice, Montana facilities stand to take great losses as a result of the BBA. Many already have. One hospital writes:

Dear Senator BAUCUS:

The BBA of 1997 is wreaking havoc on the operations of hospitals in Montana. Our numbers are testimony to this. The reduction in reimbursements of $500,000 to $650,000 per year is something our facility cannot absorb.

Another tells me:

Senator BAUCUS: An early analysis of the negative impact to [my] hospital projects a decrease in reimbursements amounting to an estimated $171,200. My hospital is already losing money from operations and these anticipated decreases in reimbursements will cause a further immediate operating loss. If enacted and implemented, I predict that we will have no choice but to reduce or phase out completely certain services and programs. . . .

Home health agencies report to me that in a recent survey, 80 percent of Montana home health care agencies showed a decline in visits averaging 40 percent. Let me state that again. Of the home health care agencies in my State, 80 percent report a decline in visits averaging 40 percent. These are some of the most efficient home health care agencies in the Nation. It simply is not fair that they are punished for being good at managing costs.

As for skilled nursing care in Montana, I saw the effects firsthand in a visit to Sidney Health Center in the northeast corner of my State. A couple of months ago, I had a workday at Sidney. About every month, every 6 weeks, I show up at someplace in my home State with my sack lunch. I am there to work all day long. I wait tables. I work in sawmills. I work in mines—some different job. This time it was working at a hospital. Half of it is a skilled nursing home; the other half an acute care center.

At the skilled nursing center, I changed sheets. I took vitals. I worked charts. They even had me take out a few stitches. After a while, I felt as if I was a real-life doctor doing my rounds with my stethoscope casually draped around my neck. One patient actually thought I was in medical training; that is, until I treated that patient. They also had me read to about 20 old folks for about a half hour. I must confess that all but five immediately fell asleep.

At the end of the day, I had to turn my stethoscope in for a session with the administrators. The financial folks showed me trends in Medicare reimbursement over the last couple of years. They believe as I do, that the BBA cuts have gone too far.

So what do we do about it? Over the next few weeks, the Senate Finance Committee is likely to consider legislation to restore some of the funding cuts for BBA. Anticipating this debate, I introduced comprehensive rural health legislation earlier this year. The bill now has over 30 bipartisan Senate cosponsors.

Last week, I joined Senator DASCHLE and the distinguished ranking member of the Finance Committee, as well as Senator ROCKEFELLER, in support of a comprehensive Balanced Budget Act fix, a remedy to try to undo some of the problems we caused. The Medicare Beneficiary Access to Quality Health Care Act addresses problems the BBA has caused in nursing home care, in home health care, among hospitals and also physical therapy, as well as some other areas. In particular, I draw my colleagues' attention to section 101 of the bill.

Medicare currently pays hospital outpatient departments for their reasonable costs. To encourage efficiency, however, the BBA called for a system of fixed, limited payments for outpatient departments. This is called the outpatient prospective payment system, known as PPS. Thus far, it appears this PPS will have a very negative impact on small rural hospitals. HCFA estimates—the Health Care Financing Administration—that under this law, Medicare outpatient payments would be cut by over 10 percent for small rural hospitals. I don't have the chart here, but hopefully it is coming later. If you look at the chart, you will see some of the projected impacts on hospitals in my State.

Prospective payment is the system of the future, and Congress is right to use it where it works. But in some cases, prospective payment just doesn't work. Consider what happened with inpatient prospective payment about 15 years ago. In 1983, Congress felt, much as it does now, that Medicare reimbursements needed to be held in check. It implemented prospective payment for inpatient services. Enacting that law, it also recognized that for some small, rural facilities, there should be exceptions to prospective payment.

The basic reason is simple, because prospective payment is based upon the assumption that the efficient hospitals will do well and survive, and the nearby inefficient hospitals not doing well will fail, but that is OK because people can always go to the surviving efficient hospital. And the assumption, obviously, is invalid for sparsely populated parts of America because if there is a hospital in a sparsely populated part of America that fails under undue pressure because of reimbursement, there is no other hospital or health care facility for somebody in rural America. That is the essential failing in the assumption behind PPS.

Congress called these facilities ''sole community hospitals,'' and 42 of the 55 hospitals in my State enjoy that status—that is, the security of being named a sole community provider or medical assistance facility.

Section 101 of the bill we introduced last week would provide similar security for outpatient services, and it should be enacted right now.

Just last week, the health care research firm, HCIA, and the consulting firm, Ernst and Young, released a study showing that hospital profit margins could fall from their current levels of about 4 percent to below zero by the year 2002. We must act now to ensure that this does not happen.

I might say, however, time is running out. We are already in the midst of a 3-week stopgap measure to keep the Government running. If we don't sit down and iron out our differences soon, we risk going home not having acted on the BBA and not correcting this problem, which I think is irresponsible.

Despite the partisan atmosphere that has prevailed here over the last several months, Congress does have a record of success in dealing with important health care issues in a bipartisan way.

A few years ago, we passed the Health Insurance Portability Act to prevent people from losing health insurance when they change jobs.

In 1997, we worked together—Members of all stripes—in passing the Children's Health Insurance Plan, legislation to provide children of working families with health insurance. Just last week, children in my State started enrollment in that program.

With some common sense on both sides of the aisle and with fast action on the issue, Congress can come together to solve some of the problems caused by the so-called BBA of 1997. We ought to do so, and we ought to do it right now.

Mr. President, you might be interested in what some of the conditions of

the BBA 1997 are in the State of the Presiding Officer. In Maine, the hospital in Bangor would lose 24 percent of payments it would otherwise receive. Booth Bay Harbor would find about a 38-percent reduction. That is somewhat typical of hospitals of that size and in that situation around the country.

So I hope that at the appropriate time we can work with dispatch and expeditiously solve this problem before we adjourn.

Mr. LEVIN. Mr. President, I rise today in support of the Medicare Beneficiary Access to Care Act.

I have traveled around my State of Michigan and I have heard from all types of health care providers. I consistently hear one message: all health care providers, big and small, are reeling from the cuts mandated under the 1997 Balanced Budget Act (BBA).

When Congress passed the BBA, it was estimated that it would save $112 billion in Medicare expenditures. The Congressional Budget Office has reestimated those savings at $206 billion. It is clear that the BBA has gone further than we intended.

This bill addresses some of the problems the health care community is facing. The bill provides some measure of relief to providers by committing $20 billion dollars towards addressing some of the BBA problems.

Here are some of the bill's provisions:

Medicare currently pays hospital outpatient departments for their reasonable costs, subject to some limits and fee schedules. To create incentives for efficient care, the BBA included a prospective payment system (PPS) for hospital outpatient departments. HCFA expects to implement this system in July 2000. When implemented, it is expected to reduce hospital outpatient revenues by 5.7 percent on average. Michigan hospitals have told me that this payment system will reduce annual hospital payments for out patient services by $43 million for Michigan hospitals.

This bill would protect all hospitals from extraordinary losses during a transition period. Each hospital would compare its payments under the PPS to a proxy for what the hospital would have been paid under cost-based reimbursement. In the first year, no hospital could lose more than 5% under the new system. This percentage would increase to 10% in the second year and 15% in the third year.

Prior to the BBA, a hospital's inpatient payments increased by 7.7% if the hospital had one intern or resident for every 10 beds. This percentage was cut to 7.0% in 1998, and phased down to be set permanently at 5.5% by 2001. This bill freezes Indirect Medical Education (IME) payments at the current level of 6.5% for 8 years.

Due to concern that Medicare+Choice managed care plans were not passing along payments for Graduate Medical Education (GME) to teaching hospitals, the BBA carved out payments for GME and IME from Medicare + Choice rates and directed them to those hospitals. However, the carve out was phased in over several years. This bill contains a provision that would speed up the carve-out, ensuring that teaching hospitals get adequate compensation for the patients they serve.

Teaching hospitals are critically important to Michigan. There are 58 teaching hospitals in Michigan, which constitutes one of the nation's largest GME programs.

The BBA reduced disproportionate share hospital (DSH) payments by 1% in 1998, 2% in 1999, 3% in 2000, 4% in 2001, and 5% in 2002. This bill would freeze the cut in disproportionate share payments at 2% for 2000 through 2002.

The BBA created a prospective payment system (PPS) for skilled nursing facilities. There has been a concern that the PPS may not adequately account for the costs of high acuity patients. This bill includes a number of provisions to alleviate the problems facing skilled nursing facilities. Importantly, this bill repeals the arbitrary $1500 therapy cap that was mandated under the BBA.

The BBA mandated a 15% cut to home health payments. Last year Congress delayed this cut to October 2000. Our bill would further delay this 15% cut for two years. In addition, our bill creates an outlier policy to protect agencies who serve high cost beneficiaries.

The BBA phased out cost based Medicaid reimbursement for rural health clinics and federally qualified health centers but did not replace it with anything to assure that these clinics would be adequately funded. Our bill creates a new system for clinic payments.

In summary, these provisions are vitally important to the health care community of Michigan, both providers and beneficiaries. We cannot afford to allow our health care system, the best in the world, to decline.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. INHOFE. Madam President, I submit a report of the committee of conference on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 30, 1999.)

Mr. SHELBY. Mr. President, I am pleased that today the Senate has the opportunity to consider the conference agreement for the Fiscal Year 2000 Transportation Appropriations bill, and expect that we will reinforce the Senate's strong support for this legislation, which was passed just 18 days ago by a vote of 95 to 0.

The Transportation Appropriations bill provides more than $50 billion for transportation infrastructure funding, and for safe travel and transportation in the air and on our nation's highways, railroads, coasts and rivers. I am pleased that we have reached an accommodation between the House and the Senate Conferees on the Transportation appropriations bill. The House didn't win on every issue, the Senate didn't win on every issue, the Administration didn't get everything that they wanted—there was a fair amount of give and take on the part of all interested parties and I am confident that the result is a balanced package that is responsive to the priorities of the Congress and of the administration.

The 302(b) allocation was tight and constrained our ability to do some things that I would have liked to do—but we have stayed within the allocation agreed to by the House and the Senate and we have a bill that the Administration will sign. I believe this bill represents a balanced approach and a model for how appropriations bills should be constructed. It stays within the allocation, it stays pretty close to the budget request with the exception of denying some new user fee taxes and making some firewall shifts that the authorizing committee objected to, it adheres to the commitment made in TEA–21 on dedicated funding for Highways and Transit, it provides adequate—but constrained—levels for FAA, it maintains a credible Coast Guard capital base and operational tempo, and it continues to focus on making further strides in increasing the safety of all our transportation systems.

At the same time, Chairman WOLF, Ranking Member SABO, the senior Senator from New Jersey and I have gone to great lengths to craft a bill that accommodates the requests of members and funds their priorities. Scarcely a day passes where one member or another does not call, write, or collar me on the floor to advocate for a project, a program, or a particular transportation priority for their state. I received over 1,500 separate Senate requests in letter form over the last six months. This bill attempts to respond to as many of those requests as possible.

As many of you know, the current fiscal constraints were especially felt in the transit account, where demand for mass transit systems is growing in every state, but funding is fixed by the TEA–21 firewall. I won't belabor that point other than to say we did the best we could under very difficult circumstances.

It has been a constant challenge this year to ensure adequate funding for FAA operations, facilities, equipment and research, and for the Airport Improvement Program; for the Coast Guard operations and capital accounts; and for operating funds for the National Highway Transportation Safety Administration. This clearly illustrates the pitfalls of firewalls and the disadvantages of trying to manage annual outlays in multi-year authorization legislation. Our experience this year with this bill is one of many reasons the Congress should reject a proposal to establish more budgetary firewalls around trust fund accounts in the future.

I want to mention one other issue that has been the topic of many conversations over the past couple of weeks. That is, the Senate provision concerning the release of personal information by state departments of motor vehicles. My concern is that private information is too available. The proliferation of information over the Internet makes it easy and cheap for almost anyone to access very personal information.

I think members would be shocked by what virtually anyone—including wierdos or stalkers—can find out about you, your wife, or your children with only a rudimentary knowledge of how to search the Internet.

I believe that there should be a presumption that personal information will be kept confidential, unless there is compelling state need to disclose that information. Most states, however, readily make this information available, and because states sell this information, a lot of information about you effectively comes from public records.

Section 350 of the conference protects personal information from broad distribution by requiring express consent prior to the release of information in two situations. First, individuals must give their consent before a state is able to release photographs, social security numbers, and medical or disability information. Of course, this excludes law enforcement and others acting on behalf of the government. Second, individuals must give their consent before the state can sell or release other personal information when that information is disseminated for the purpose of direct marketing or solicitations. I want to be clear: this applies only when the state sells your name, address, and other such information to people who are using that information for marketing purposes.

We recognize that states may need time to comply with this provision. And we've proposed to delay the effective date 9 months. In addition, there was concern expressed about this provision being tied to transportation funds under this bill, and the conference agreement eliminates the sanction language and expressly states that no states' fund may be withheld because of non-compliance with this provision. In addition, the Congressional Budget Office has performed a cost estimate analysis of this provision, and found that the total implementation cost for States is well below $50 million nationally.

I believe that the general public would be as shocked as my colleagues in the Senate if they learned that states were running a business with the personal information from motor vehicle records.

There are a few people I would particularly like to thank before we vote. My Ranking Member, Senator LAUTENBERG, has been a valued partner in this process, and I'm sorry that we only have one more year to do this together. Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs. My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta and Linda Muir, have been professional, accommodating, and collegial. This last week has been a blueprint for how conference negotiations should be conducted. Senator LOTT and his staff have been gracious and extremely helpful in moving this legislation forward. And on the Appropriations Committee staff, I want to recognize Steve Cortese and Jay Kimmitt for their invaluable assistance and advice.

I look forward to passing this bill and sending it to the President. I ask unanimous consent that the letter from OMB relating to this conference report be printed in the CONGRESSIONAL RECORD at the end of my remarks and after the table regarding federal highway aid. From the OMB letter, it is my expectation that the President will sign the bill in its current form.

Mr. President, I also ask unanimous consent to include the following table for the RECORD which shows the estimated fiscal year 2000 distribution of Federal highway fund obligational authority. This table illustrates the state-by-state distribution of non-discretionary highway funds under the conference agreement. It is important to note that none of the discretionary programs, including public lands highways, Indian reservation roads, park roads and parkways, or discretionary bridge are included in this distribution, as these funds are granted on an individual application basis. In addition, these figures do not include the carryover balances from prior years, the final computation of administrative takedown, or the final minimum guarantee adjustments. However, these figures are very close to the actual state distribution that will be made by the Federal Highway Administration based on the agreement outlined in the conference report.

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

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED FY 2000 DISTRIBUTION OF OBLIGATIONAL AUTHORITY (INCLUDING DISTRIBUTION OF RABA UNDER CONFERENCE PROPOSAL AND DISTRIBUTION OF $98.5 MILLION IN ADMINISTRATIVE TAKEDOWN FUNDS FOR OTHER PURPOSES)

States	Formula obligation limitation	Exempt minimum guarantee	Subtotal	RABA conference proposal	Total
Alabama	$471,711,405	$11,367,974	$483,079,379	$29,016,764	$512,096,143
Alaska	268,677,889	21,022,139	289,700,028	16,970,939	306,670,967
Arizona	375,629,521	14,116,557	389,746,078	23,285,789	413,031,867
Arkansas	380,148,116	8,870,348	317,018,464	19,016,257	336,034,721
California	2,135,937,494	41,571,122	2,177,508,616	131,247,260	2,308,755,876
Colorado	271,325,228	5,218,128	276,543,356	16,673,553	293,216,909
Connecticut	347,917,991	15,458,380	363,376,371	21,631,767	385,008,138
Delaware	102,256,467	2,516,824	104,773,291	6,301,112	111,074,403
Dist. of Col	92,495,095	99,255	92,594,350	5,634,683	98,229,033
Florida	1,065,315,963	49,989,815	1,115,305,778	66,321,154	1,181,626,932
Georgia	828,256,118	32,991,973	861,248,091	51,375,336	912,623,427
Hawaii	119,530,218	3,358,725	122,888,943	7,374,632	130,263,575
Idaho	178,383,500	6,424,871	184,808,371	11,043,615	195,851,986
Illinois	785,605,674	12,083,474	797,689,148	48,176,561	845,865,709
Indiana	579,109,909	21,891,566	601,001,475	35,894,907	636,896,382
Iowa	279,429,622	3,744,432	283,174,054	17,121,381	300,295,435
Kansas	273,194,168	2,007,662	275,201,830	16,691,012	291,892,842
Kentucky	401,970,692	10,003,210	411,973,902	24,735,491	436,709,393
Louisiana	391,418,740	11,102,273	402,521,013	24,151,481	426,672,494
Maine	123,317,168	2,925,145	126,242,313	7,592,996	133,835,309
Maryland	367,510,492	7,464,568	374,975,060	22,588,127	397,563,187
Massachusetts	436,472,391	7,583,988	444,056,379	26,790,453	470,846,832
Michigan	744,199,500	23,383,006	767,582,506	45,987,032	813,569,538
Minnesota	347,863,427	6,266,043	354,129,470	21,358,519	375,487,413
Mississippi	282,518,602	5,567,485	288,086,087	17,358,519	305,444,606
Missouri	569,625,340	12,728,657	582,353,997	35,047,859	617,401,856
Montana	227,145,762	10,546,766	237,692,528	14,140,666	251,833,194
Nebraska	180,760,739	1,864,558	182,625,297	11,062,788	193,688,085
Nevada	166,699,784	5,948,338	172,648,122	10,323,779	182,971,901
New Hampshire	120,134,397	3,111,027	123,245,424	7,402,980	130,648,404

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED FY 2000 DISTRIBUTION OF OBLIGATIONAL AUTHORITY (INCLUDING DISTRIBUTION OF RABA UNDER CONFERENCE PROPOSAL AND DISTRIBUTION OF $98.5 MILLION IN ADMINISTRATIVE TAKEDOWN FUNDS FOR OTHER PURPOSES)—Continued

States	Formula obligation limitation	Exempt minimum guarantee	Subtotal	RABA conference proposal	Total
New Jersey	598,730,322	11,286,798	610,017,120	36,776,405	646,793,525
New Mexico	227,824,334	7,169,730	234,994,064	14,079,572	249,073,636
New York	1,194,894,120	28,056,993	1,222,951,113	73,547,672	1,296,498,785
North Carolina	651,657,222	22,361,073	674,018,295	40,308,266	714,326,561
North Dakota	151,554,823	3,564,655	155,119,478	9,333,524	164,453,002
Ohio	859,342,925	22,507,807	881,850,732	52,959,163	934,809,895
Oklahoma	359,066,919	7,361,168	366,428,087	22,076,510	388,504,597
Oregon	289,181,685	3,630,769	292,812,454	17,707,362	310,519,816
Pennsylvania	1,174,935,166	20,690,226	1,195,625,392	72,033,420	1,267,658,812
Rhode Island	37,789,794	4,921,466	142,711,260	8,533,831	151,245,091
South Carolina	368,700,588	13,940,670	382,641,258	22,853,717	405,494,975
South Dakota	169,007,946	4,237,330	173,245,276	10,411,545	183,656,821
Tennessee	533,893,724	12,450,474	546,344,198	32,831,373	579,175,871
Texas	1,736,180,606	64,627,615	1,800,808,221	107,594,447	1,908,402,668
Utah	181,553,286	3,552,164	185,105,450	11,156,019	196,261,469
Vermont	105,918,243	2,146,701	108,064,944	6,512,509	114,577,453
Virginia	592,611,780	16,373,740	608,985,520	36,550,515	645,536,035
Washington	423,671,200	6,405,044	430,076,244	25,978,168	456,054,412
West Virginia	264,443,795	2,590,550	267,034,345	16,126,281	283,160,262
Wisconsin	458,224,706	16,164,680	474,389,386	28,368,743	502,758,129
Wyoming	161,572,167	3,732,038	165,304,205	9,947,966	175,252,171
Total	23,483,316,763	639,000,000	24,122,316,763	1,448,003,841	25,570,320,604

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 29, 1999.

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Transportation and Related Agencies Appropriations Bill, FY 2000, as passed by the House and by the Senate. As the conferees develop a final version of the bill, we ask you to consider the Administration's views.

The Administration appreciates the House and Senate's efforts to accommodate many of the Administration's priorities within their 302(b) allocations and the difficult choices made necessary by those allocations. However, the allocations of discretionary resources available under the Congressional Budget Resolution are simply inadequate to make the necessary investments that our citizens need and expect.

The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider other, similar proposals as the FY 2000 appropriations process moves forward. With respect to this bill in particular, the Administration urges the Congress to consider the President's proposals for user fees.

Both the House and Senate versions of the bill raise serious funding concerns. First, both versions of the bill underfund the Federal Aviation Administration's (FAA's) operations and modernization programs, reduce highway and motor carrier safety, and underfund other important programs. The conferees could partially accommodate the funding increases recommended below for these programs by adhering more closely to the President's requests for the Airport Improvement Program, High Speed Rail, Coast Guard Alteration of Bridges, Coast Guard capital improvements, and other programs.

In addition, both the House and Senate have reduced requested funding for important safety, mobility, and environmental requirements. The Administration proposes to meet these requirements through the reallocation of a portion of the increased spending resulting from higher-than-anticipated highway excise tax revenues. Under this proposal, every State would still receive at least as much funding as was assumed when the Transportation Equity Act for the 21st Century was enacted. The conferees are encouraged to consider the Administration's proposal as a means to fund these important priorities.

The Administration's specific concerns with both the House and Senate versions of the bill are discussed below.

AVIATION SAFETY AND MODERNIZATION

The funding provided by the House and the Senate is not sufficient to meet the rising demand for air traffic services.

The Administration strongly urges the conferees to fully fund the President's request for FAA Operations. The request consists of $5,958 million to maintain current operations and $81 million to meet increased air traffic and safety demands. Neither bill provides sufficient resources to maintain current service levels, let alone meet increased demands.

The Administration urges the conferees to provide at least the House level for the FAA's Facilities and Equipment account. The Senate reduction, including the rescission, would seriously compromise the FAA's ability to modernize the air traffic control system. At the Senate level, safety and security projects would be delayed or canceled, and critically-needed capacity enhancing projects would be postponed, increasing future air travel delays. In addition, the conferees are urged to provide the requested $17 million in critically-needed funds for implementation of a Global Positioning System (GPS) modernization plan to help enable transition to a more efficient, GPS-based air navigation system. This is a top priority, and the conferees are asked to fund this in addition to the FAA's other capital needs.

The Administration supports the decision, in both Houses, to eliminate the General Fund subsidy for FAA Operations and urges the conferees to enact the Administration's proposal to finance the agency. Such a system would improve the FAA's efficiency and effectiveness by creating new incentives for it to operate in a business-like manner.

CAFE STANDARDS

The Administration strongly opposes, and urges the conferees to drop, the House bill's prohibition of work on the corporate average fuel economy (CAFE) standards. These standards have resulted in a doubling of the fuel economy of the car fleet, saving the Nation billions of gallons of oil and the consumer billions of dollars. Because prohibitions such as this have been enacted in recent years, the Department of Transportation has been unable to analyze this important issue fully. These prohibitions have limited the availability of important information that directly influences the Nation's environment.

LIVABILITY PROGRAMS

The Administration is very disappointed that both versions of the bill fund transit formula grants at $212 million below the President's request and the Transportation and Community and Preservation Pilot Program at approximately $24 million below the request. Further, the Administration is disappointed that the House bill does not direct additional funding to the Congestion Mitigation and Air Quality Improvement program. These programs are important components of the Administration's efforts to provide communities with the tools and resources needed to combat congestion, air pollution and sprawl. The Administration also objects to the addition of unrequested and unreviewed projects within the Transportation and Community and Privatization Pilot Program formula grants. The conferees are strongly urged to fully fund the President's request for these programs.

HIGHWAY SAFETY

The Administration urges the conferees to provide funding consistent with the recently enacted reauthorization for the National Highway Traffic Safety Administration's operations and research activities. This would provide an increase of $20 million above the House and Senate funding levels. This funding would allow expanded Buckle Up America and Partners in Progress efforts to meet alcohol and belt usage goals. It would also provide enhanced crash data collection, increased defects investigations, and crucial research activities on advanced air bags, crashworthiness, and enhanced testing to make better car safety information more readily available to the public.

MOTOR CARRIER SAFETY

The Administration appreciates the Senate bill's funding of $155 million, the amended request, for the National Motor Carrier Safety Grant Program. This will allow the Office of Motor Carrier and Highway Safety to undertake improvements in the area of motor carrier enforcement, research, and data collection activities that are designed to increase safety on our Nation's roads and highways. The Administration strongly urges the conferees to continue to provide this funding as well as the additional $5.8 million requested for motor carrier operations.

JOB ACCESS AND REVERSE COMMUTE

The Administration is disappointed that both the House and Senate would provide only $75 million—half of the amount authorized and requested—for the Job Access and Reverse Commute program. This program is a critical component of the Administration's welfare-to-work effort and local demands far exceed available resources. Demand is expected to increase further as more communities around the country work together to address the transportation challenges faced by families moving from welfare to work and by other low income workers. The Administration urges the conferees to provide full funding at $150 million.

OFFICE OF THE SECRETARY

The Administration urges the conferees to provide the President's request of $63 million for the Office of the Secretary in a consolidated account and delete the limitation on political appointees in both bills. This is necessary to provide the Secretary with the resources and flexibility to manage the Department effectively. In addition, we request restoration of the seven-percent reduction to the Office of Civil Rights contained in the Senate version of the bill. This reduction would hamper the Department's ability to enforce laws prohibiting discrimination in Federally operated and assisted transportation programs.

LANGUAGE PROVISIONS

The conferees are requested to delete provisions in both bills that would restrict the Coast Guard's and Federal Aviation Administration's user fee authority. User fees can help the Coast Guard and Federal Aviation Administration by providing resources to meet their operating and capital needs without significantly reducing other vital transportation programs.

The conferees are requested to delete provisions in both versions of the bill that would impose DOT-wide reductions in obligations to the Transportation Administrative Service Center. These reductions, which are particularly severe in the Senate, would impose significant constraints on critical administrative programs.

The conferees are requested to delete Section 316 of the Senate bill, which would extend the traditional anti-lobbying provision in DOT appropriations acts to State legislatures. This broad, ambiguous provision would chill the informational activities of the Department and limit the ability of the Department to carry out its safety mandate. The existing requirements of Section 7104 of TEA–21 adequately address this issue.

There are several provisions in both bills that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS versus Chadha.

REPORT LANGUAGE ISSUE

The Administration is concerned with the House report language that would not fund the controller-in-charge differential, which was part of the carefully crafted air traffic controller agreement research last year.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

JACOB J. LEW, *Director.*

Mr. LAUTENBERG. Madam President, I rise in support of the conference report accompanying H.R. 2084, the Transportation appropriations bill for fiscal year 2000.

I am pleased that during this, the first day of the first full week of the new fiscal year, we are sending a free-standing Transportation bill to the President for his signature. Earlier this year I would not have predicted that we would succeed in getting a free-standing Transportation bill. Credit for his successful accomplishment belongs primarily to our subcommittee chairman, Senator SHELBY. This bill has had a number of difficulties along the way—difficulties that sometimes divided Senator SHELBY and myself. But I think it is fair to say that throughout the year, both Senator SHELBY and I showed a willingness to listen, as well as a willingness to compromise. As such, many of the problems that burdened this bill earlier this year have been worked out over time.

Senator SHELBY consulted the Minority throughout this year's process. We may not have agreed on every figure and every policy contained in this bill, but there were never any surprises. His door was always open to me and to the other minority members of the subcommittee. I especially want to thank Senator SHELBY for his attention to the unique transportation needs of my home state of New Jersey, the most congested state in the nation. Our congestion problem makes New Jersey the most transit-dependent state in the nation and Senator SHELBY recognized this fact by working with me to provide substantial investments in projects like the Hudson-Bergen waterfront, the Newark-Elizabeth rail link, Amtrak's Northeast Corridor, the West Trenton line, and a feasibility study of a new transit tunnel under the Hudson River.

The Transportation Subcommittee faced a very tight allocation. These funding difficulties were made more challenging by the spending increases mandated for the Federal Highway Administration and the Federal Transit Administration under TEA–21. These mandated increases put extraordinary pressure on the non-protected programs in the Coast Guard, the Federal Aviation Administration, and the National Highway Traffic Safety Administration.

The funding level provided for Amtrak represents the largest single cut in this bill below the fiscal year 1999 level. Amtrak is funded at a level fully 6 percent below last year's level. It is to Amtrak's credit, however, that Amtrak's financial turn-around has generated the kind of revenue that will allow the corporation to absorb this cut without any notable service reductions.

Funding for the operations budget within the Federal Aviation Administration is another area of concern. While this bill funds FAA Operations at a level fully 6 percent above last year's level, the amount provided remains 2.3 percent below the level requested by the Administration. Also, funding for highway safety within the operations and research account in the National Highway Traffic Safety Administration is 19 percent below the President's request. In this instance, the Administration's budget request depended upon the enactment of a new authorization bill raising the authorization ceilings for NHTSA. Unfortunately, by the time that authorization bill was enacted, our subcommittee ceiling had already been established and we did not have the funding to accommodate these funding increases for NHTSA. Mr. President, if I could identify one serious flaw with the Transportation Equity Act for the 21st Century (TEA–21), it would be the fact that several trust funded programs for highway construction are granted guaranteed increases over the next several years, while the safety programs from the trust fund are not granted similarly privileged budgetary treatment. We need to do better for these critical safety programs, both in the FAA and in NHTSA. I have not given up on the chance to do better for these programs. I intend to work with the Administration to see if additional funds can be included in an omnibus appropriations bill or, perhaps, in a Supplemental Appropriations bill.

In the area of truck safety, I am disappointed that this bill does not include the $50 million that I added during full committee markup for grants within the Office of Motor Carrier Safety. The tight funding allocation burdening the subcommittee just made it impossible to accommodate this item in Conference. However, I have to say that while money is important to our efforts to maintain truck and bus safety, guts and determination on the part of the Administration is of even greater importance. The Office of Motor Carrier Safety needs to be willing to shut down the most egregious safety violators to protect bus passengers and the motoring public.

There have been several hearings regarding the deficiencies of the Office of Motor Carriers this year. Within the Transportation Appropriations Subcommittee, we spent considerable time discussing the recent series of fatal bus crashes within New Jersey. The Commerce Committee also held hearings on the overall deficiencies with the OMC. Those hearings painted a very dismal picture of a largely impotent agency that is more interested in outreach than in ensuring safe truck and bus operations. More recently, we have seen indications of a new, more serious attitude at the Office of Motor Carrier Safety. This appropriations bill mandates that that office can no longer be operated within the Federal Highway Administration. Perhaps this will make a difference. In my view, the jury is still out on whether we have turned the corner on improving truck and bus safety. Over the course of the next year, we will need to review carefully whether the changes recently announced by the Office of Motor Carriers represent a true change in attitude or just a change in rhetoric.

In summary, Mr. President, I encourage all Members to vote in favor of this

conference report. The conference agreement is a balanced and bipartisan effort to meet the needs of our nation's transportation enterprise within a difficult funding envelope. I believe it deserves the support of all Members.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will now proceed to vote on the adoption of the conference report accompanying H.R. 2084.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Rhode Island (Mr. REED), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED), would vote ''aye.''

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—88

Abraham	Edwards	Lugar
Akaka	Feingold	McConnell
Allard	Feinstein	Mikulski
Ashcroft	Fitzgerald	Moynihan
Baucus	Frist	Murkowski
Bayh	Gorton	Murray
Bennett	Graham	Nickles
Biden	Gramm	Reid
Bingaman	Grams	Robb
Bond	Grassley	Roberts
Boxer	Gregg	Rockefeller
Breaux	Harkin	Roth
Brownback	Helms	Santorum
Bryan	Hutchinson	Sarbanes
Bunning	Hutchison	Schumer
Burns	Inhofe	Sessions
Byrd	Inouye	Shelby
Campbell	Jeffords	Smith (NH)
Chafee	Johnson	Snowe
Cleland	Kerrey	Specter
Cochran	Kerry	Stevens
Collins	Kohl	Thompson
Coverdell	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Lautenberg	Voinovich
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Lott	

NAYS—3

Conrad	Enzi	Hagel

NOT VOTING—9

Daschle	Kennedy	Reed
Hatch	Mack	Smith (OR)
Hollings	McCain	Thomas

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I commend Senators SHELBY and LAUTENBERG for this bill. It is really a monstrous bill, and they have come back with a very good compromise, a bill with which we can all live.

The staff on this bill deserves a great deal of credit, too. To my right is Wally Burnett, staff director of the Transportation Subcommittee for the Senate. He handles the highway and aviation accounts. Wally tops at 205 pounds now, but we call him Little Wally in Fairbanks. I thank him and Joyce Rose, who handles the railroad and transit accounts. She spent a lot of time away from her young kids. Paul Doerrer handled the Coast Guard and NTSB accounts. He did a great job on his first bill. I also thank Peter Rogoff and Carole Geagley of the minority. They have worked very hard on this bill. As I said, it is an extremely good bill.

I want to mention two items related to this bill. We do have a very difficult problem in Alaska on aviation safety. We are, after all, the largest State of the Union, one-fifth of the size of the United States. We use aircraft as other people use taxis or buses or trains. Over 80 percent of our inter-city traffic is by air. Seventy percent of our cities can be reached only by air. As a consequence, safety is one of our major concerns.

This summer, Director Hall of the National Transportation Safety Board came to Alaska. He met there with representatives of the Centers for Disease Control and their National Institute for Occupational Safety and Health, NIOSH. There are resources provided in this bill to implement the National Transportation Safety Board's recommendations and NIOSH's interagency initiative for aviation safety in my home State of Alaska. Senator SPECTER's bill, the Labor-HHS bill, provides the resources for NIOSH. They will have to be in the bill in order to put this plan into action.

The NIOSH initiative for the air taxi industry in Alaska is modeled after the highly successful 1993 helicopter logging study which produced recommendations for changes that implemented safety plans without Federal regulation. NIOSH recommended crew rest and crew duty schedules along with changes in helicopter logging equipment, and that has all but eliminated helicopter logging fatalities since those recommendations were implemented.

It is my hope that the NIOSH study on aviation can produce the same results—industry-led improvements to commuter aviation safety operations in Alaska—again, without the need for new Government-imposed mandates. The industry itself I believe will implement the NIOSH recommendations.

As the Senate knows, my family has known fatalities from airplane crashes. And I have many friends who have been involved in such crashes. As one who was lucky enough to walk away, it is my hope that these studies will lead to greater safety considerations for all who fly in Alaska. I am grateful to the chairman and the ranking member, Chairman SHELBY and Senator LAUTENBERG, for including in this bill these great, new safety initiatives.

I am happy to report on another matter. This bill ensures completion of the pedestrian footbridge that will span the Chena River in Fairbanks. Fairbanks is Alaska's second largest city.

The Alaska River Walk Centennial Bridge is the brainchild of Dr. William Ransom Wood. He is really the sage of Alaska. He is the executive director of Festival Fairbanks. This bridge is a small piece of an overall plan that Dr. Wood and the rest of the festival have developed to beautify Fairbanks and make it pedestrian friendly.

At 95, Dr. Wood has been one of Alaska's major players. He served as the president of the University of Alaska, mayor of Fairbanks, and on so many community councils and State task forces that I cannot here name them all. In honor of Dr. Wood's contribution to Fairbanks, the State of Alaska, and our Nation as a naval commander in World War II, Senator MURKOWSKI and I join together in introducing a Senate resolution which will urge Secretary Slater to designate this footbridge the William R. Wood Centennial Bridge.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to respond to some of the things the distinguished chairman of the Appropriations Committee just said, particularly his acknowledgment of the hard work done by the staff on both sides, the majority staff and the minority staff, and to say that I watch Senator STEVENS in action; I see how difficult it is to get some of these allocations in the shape we would like.

We are pleased that the Transportation bill was, if I may use the word, hammered out because there are still a lot of needs with which we have to be concerned. One is the FAA, of course, and our safety programs. I was pleased to hear the Senator mention that.

The other is the U.S. Coast Guard, in which Senator STEVENS has such an active interest. I share that interest. The State of New Jersey has a great deal of dependence—as well as the entire country—on the activities of the Coast Guard. And the fact is that their funding is presently on the short side. But decisions are made when resources are too spare, and, inevitably, some hard decisions have to be made.

I commend the chairman of the Appropriations Committee for being able to ensure that the Transportation bill was moved along. I know how hard he is working with some of the other bills that are still pending.

Mr. President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS. Mr. President, I send this resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) expressing the sense of the Senate concerning Dr. William Ransom Wood.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I express my gratitude to the secretary for the minority for clearing this resolution so quickly, and I ask for its consideration.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution and its preamble are agreed to.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, Chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, President of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the Twentieth Century; and

Whereas it shall also be in Dr. Wood's words, ''a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.'': Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, pursuant to the consent agreement of Friday, October 1, I now ask unanimous consent that the Senate proceed to executive session for the consideration of judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations will be stated.

The legislative clerk read as follows:

THE JUDICIARY

Ronnie L. White, to be United States District Judge for the Eastern District of Missouri; Brian Theadore Stewart, to be United States District Judge for the District of Utah; and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have a number of judges to discuss tonight:

There is Brian Theadore Stewart—I see the distinguished Senator from Utah on the floor, who I am sure will be speaking of him.

There is Justice Ronnie L. White—I see the distinguished Senator from Missouri, who will be speaking about him and has specific reserved time for that.

And there is the nomination of Raymond C. Fisher.

Utilizing some of the time reserved to me and the distinguished chairman of the Senate Judiciary Committee, I will make sure that whatever amount of time the distinguished Senator from Utah wishes will be available to him.

I would like to start by mentioning how we got here. On Friday, the Democratic leader was able to get an agreement from the majority leader scheduling an up-or-down vote on Ray Fisher, Ted Stewart, and Ronnie White tomorrow afternoon, with some debate this evening. I thank the Democratic leader for his assistance in obtaining those agreements. I know that it was not easy to obtain a date certain for a vote on the Fisher nomination and I am especially grateful that at long last, after 27 months, the Senate will finally be voting on the White nomination.

I begin with the Fisher nomination. Raymond Fisher is a distinguished Californian. After being confirmed by the Senate in 1977, he has served as Associate Attorney General of the United States. He served on the Los Angeles Police Commission from 1995 to 1997. He chaired it from 1996 to 1997. In 1990, he was deputy general counsel for the Independent Commission on the Los Angeles Police Department, better known as the Christopher Commission, chaired by Warren Christopher.

He received his undergraduate degree in 1961 from the University of California at Santa Barbara; And he received his law degree from Stanford Law School in 1966, where he was president of the Stanford Law Review. Following law school, he clerked for the Honorable J. Skelly Wright on the U.S. Court of Appeals for the District of Columbia Circuit and for the Honorable William Brennan on the U.S. Supreme Court. In other words, a lawyer's lawyer.

For almost 30 years, he was a litigation attorney in private practice in Los Angeles at Tuttle & Taylor and then as the managing partner of the Los Angeles offices of Heller, Ehrman, White & McAuliffe. He is a highly respected member of the bar and a dedicated public servant.

He has the very strong support of both California Senators. He received a rating of well qualified—in other words, the highest rating—from the American Bar Association. He has the support of Los Angeles Mayor Richard Riordan, the Los Angeles police department, the National Association of Police Organizations, and the Fraternal Order of Police.

He was nominated back on March 15, 1999. He had a hearing before the Judiciary Committee and in July he was promptly and favorably reported. I do not know why his nomination was not taken up immediately and confirmed before the August recess, but it is still here and will now receive consideration. The Senate should vote to confirm him, as I fully expect we will.

I note that the Senate has before it ready for final confirmation vote two other judge nominees to the same court, the Ninth Circuit, Judge Richard Paez and Marsha Berzon. Also pending before the Judiciary Committee are the nominations of Ron Gould, first nominated in 1997; Barry Goode, first nominated in June 1998; and James Duffy to the Ninth Circuit. It is a Court of Appeals that remains one quarter vacant with 7 vacancies among its 28 authorized judges.

We should be voting up or down on the Paez and Berzon nominations today. I think we need to fulfill our duty not only to each of these outstanding nominees as a matter of conscience and decency on our part, but also for the tens of millions of people who are served by the Ninth Circuit. Unfortunately, as was brought out Friday, a few Republican Senators—anonymously—are still holding up action on these other important nominations.

To his credit, the majority leader has come to the floor and said he will try to find a way for the two nominations to be considered by the Senate. I know that if the majority leader wishes the nominees will come to a vote. The way is to call them to a fair up-or-down vote. We should find a way to do that as soon as possible.

I certainly have tried to work directly and explain what I have done on the floor in working with the majority leader on the nominations. I am happy to work with the Senators who are blocking them from going forward, but we do not know who they are. In fact, we had a policy announced at the beginning of this year that we would no longer use secret holds in the Senate. Unfortunately, Judge Paez and Marsha Berzon are still confronting a secret hold as their nominations are obstructed under a cloak of anonymity after 44 months and 20 months, respectively. That is wrong and unfair.

The distinguished Senators from California, Mrs. BOXER and Mrs. FEINSTEIN, have urged continuously over and over again on this floor, in committee, in caucuses, in individual conversations with Senators on both sides of the aisle, that the nominations of Berzon and Paez go forward. I see the distinguished Senator from California, Mrs. BOXER, on the floor.

I think I can state unequivocally for her, as for Senator FEINSTEIN, that no Democrat objects to Judge Paez going forward. No Democrat objects to Marsha Berzon going forward. If nobody is objecting on this side of the aisle to going forward, I strongly urge those who support—as many, many do—Judge Paez and Marsha Berzon's nominations, that they call each of the 55 Senators on the other side of the aisle and ask them: Are you objecting to them going forward? Would you object to them going forward? Find out who is holding them up. They are entitled to a vote.

To continue this delay demeans the Senate. I have said that I have great respect for this institution and its traditions. Certainly after 25 years, my respect is undiminished. But in this case, I see the treatment of these nominations as part of a pattern of what has happened on judicial nominations for the last few years. If you are a minority or a woman, it takes longer to go through this Senate as a judicial nomination. That is a fact. It is not just me noting it, but impartial outside observers have reported in the last few weeks that a woman or a minority takes longer to be confirmed by the Senate as it is presently constituted.

The use of secret holds for an extended period is wrong and beneath the Senate. We can have 95 Senators for a nominee but 5, 4, 3, 2, or 1 can stop that person—after 4 years with respect to Judge Paez; after 2 years with respect to Marsha Berzon.

Let us vote up or down. If Members do not want either one of them, vote against them; if Members want them, vote for them. But allow them to come to a vote. Do not hide behind anonymous holds. Do not allow this precedent to continue that we seem to have started that women and minorities take longer.

Judge Richard Paez is an outstanding jurist and a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed by the Senate to the federal bench several years ago and is currently a Federal District Court Judge. He has twice been reported to the Senate by the Judiciary Committee in connection with his nomination to the Court of Appeals and has spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in January 1996, 44 months ago.

Marsha Berzon is one of the most qualified nominees I have seen in 25 years and the Republican Chairman of the Judiciary Committee has said the same thing. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Nominated for a judgeship within the Circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, Ann Aiken, Margaret McKeown and Susan Oki Mollway—she was first nominated in January 1998, some 20 months ago.

The Atlanta Constitution noted recently:

> Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried * * * to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. * * * This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair, It is not right, It is no way to run the federal judiciary. * * * This ideological obstructionism is so fierce that it strains our justice system and sets a terrible partisan example for years to come.

It is against this backdrop that I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed 1 or 2 or 3 secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Chief Justice of the United States Supreme Court wrote in January last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. * * * The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

At the time the Chief Justice issued this challenge, Judge Paez' nomination had already been pending for 24 months. The Senate received the Berzon nomination within days of the Chief Justice's report. That was almost 2 years ago and still the Senate stalls and refuses to vote. Let us follow the advice of the Chief Justice. Let the Republican leadership schedule up or down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

Recently, the Washington Post noted: ''[T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes * * * should receive them immediately.''

Democrats are living up to our responsibilities. The debate over the last couple of weeks has focused the Senate and the public on the unconscionable treatment by the Senate majority of selected nominees. The most prominent examples of that treatment are Judge Paez and Marsha Berzon. With respect to these nominations, the Senate is refusing to do its constitutional duty and vote.

The Florida Sun-Sentinel wrote recently: ''The 'Big Stall' in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. . . . The stalling, in many cases, is nothing more than a partisan political dirty trick.''

A recent report by the Task Force on Judicial Selection of Citizens for Independent Courts verifies that the time to confirm female nominees is now significantly longer than that to confirm male nominees—a difference that has defied logical explanation. The report recommends that ''the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender.'' Those responsible are not on this side of the aisle. I recall all too well the gauntlet that such outstanding woman nominees as Margaret Morrow, Ann Aiken, Margaret McKeown, Susan Oki Mollway, Sonia Sotumayor were forced to run. Now it is Marsha Berzon who is being delayed and obstructed, another outstanding woman judicial nominee held up, and held up anonymously because she will be confirmed if allowed a fair up or down vote.

I likewise recall all too well the way in which other qualified nominees were held up and defeated without a vote. The honor roll of outstanding minority nominees who have been defeated without a vote is already too long, including as it does Judge James A. Beaty, Jr., Jorge C. Rangel, Anabelle Rodriquez and Clarence Sundram. It should not be extended further. Senate Republicans have chosen to stall Hispanic, women and other minority nominees long enough. It is wrong and should end.

Nominees deserve to be treated with dignity and dispatch—not delayed for 2 and 3 and 4 years. I continue to urge the Republican Senate leadership to proceed to vote on the nominations of Judge Richard Paez and Marsha Berzon. There was never a justification for the Republican majority to deny these judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I know the Senate will do the right thing and confirm Ray Fisher to the Ninth Circuit tomorrow and that he will be an outstanding judge. I will continue my efforts to bring to a vote the nominations of Judge Richard Paez and Marsha Berzon.

We also will get the opportunity tomorrow to vote on the nomination of Justice Ronnie White. As I reminded the Senate last Friday, he is an outstanding jurist and currently a member of the Missouri Supreme Court. We have now a judicial emergency vacancy on the District Court of the United States for the Eastern District of Missouri while his nomination has been held up for 27 months.

Ronnie White was nominated by President Clinton in June of 1997—not June of 1999 or 1998, but June of 1997. It took 11 months before the Senate would allow him to have a confirmation hearing. At that hearing, the senior Senator from Missouri, Mr. BOND, and Representative BILL CLAY, the dean of the State's congressional delegation, came forward with strong praise for the nominee. Senator BOND urged Members to act fairly on Judge White's nomination to the district court and noted Justice White's integrity, character, and qualifications, and concluded that he believes Justice White understands the role of a Federal judge is to interpret the law, not to make law.

Once considered at a hearing, Justice White's nomination was reported favorably on a 13–3 vote by the Senate Judiciary Committee on May 21, 1998. Senators HATCH, THURMOND, GRASSLEY, SPECTER, KYL, and DEWINE were the Republican Members voting for him, along with all Democratic Members.

Even though he was voted out 13–3, the nomination was held on the Senate Executive Calendar without action until the Senate adjourned last year, and returned to the President after 16 months with no Senate action. A secret hold had done its work and cost this fine man and outstanding jurist an up-or-down vote. The President renominated him back in January of this year. We reported his nomination favorably a second time this year a few months ago.

Justice White deserves better than benign negligence. The people of Missouri deserve a fully qualified and staffed Federal bench. He has one of the finest records and experience of any lawyer to come before the Judiciary Committee in my 25 years there. He served in the Missouri Legislature, the Office of the City Council for the city of St. Louis, and as a judge in the Court of Appeals for the Eastern District of Missouri before his current service as the first African American ever to serve on the Missouri Supreme Court.

I believe he will be an invaluable asset. I am pleased we are finally having a discussion, even though 27 months is too long to wait, too long to wait for a floor vote, on this distinguished African American justice. Finally he will get the respect he should have from this body.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its Members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

Let us show respect to the federal judiciary and to the American people to whom justice is being denied due to this unprecedented slowdown in the confirmation process. I am proud to support the nomination of Justice Ronnie White for United States District Judge for the Eastern District of Missouri. I was delighted when last Friday, the Democratic leader was able to announce that we had finally been able to obtain Republican agreement to vote on this nomination. I thank the Democratic leader and all who have helped bring us to the vote tomorrow on the nomination of Justice White. It has been a long time coming.

Tomorrow the Senate will act on the nomination of Brian Theadore Stewart, who has not had to wait a long time with the others. I have said over the last few weeks that I do not begrudge Ted Stewart a Senate vote; rather, I believe that all the judicial nominations on the Senate Executive Calendar deserve a fair up or down vote. That includes Judge Richard Paez, who was first nominated 44 months ago and Marsha Berzon who was first nominated 20 months ago.

Tomorrow we will vote on the Stewart nomination but Senate Republicans still refuse to vote on these two other qualified nominees who have been pending far longer.

The Senate was able to consider and vote on the nomination of Robert Bork to the United States Supreme Court in 12 weeks, the Senate was able to consider and vote on the nomination of Justice Clarence Thomas in 14 weeks. It is now approximately 2 months from the Senate's receipt of the Stewart nomination, and we are now about to vote on his confirmation. I feel even more strongly that we should also be voting on the nomination of Judge Richard Paez, which has been pending almost 4 years, and that of Marsha Berzon, which has been pending almost 2 years.

Despite strong opposition from many quarters from Utah and around the country, from environmentalists and civil rights advocates alike, I did not oppose the Stewart nomination in Committee. I noted Mr. Stewart's commitment to examine his role in a number of environmental matters while in the State government and to recuse himself from hearing cases in those areas. In response to questions from Chairman HATCH and Senator FEINGOLD, Mr. Stewart committed to ''liberally interpret'' the recusal standards to ensure that those matters would be heard by a fair and impartial judge and to avoiding even the appearance of impropriety or possible conflicts of interest.

I cooperated in Chairman HATCH's efforts to expedite Committee consideration of the Stewart nomination with the expectation that these other nominees who have been held up so long, nominees like Judge Richard Paez and Marsha Berzon, were to be considered by the Senate and finally voted on, as well. The Chairman and I have both voted for Judge Paez each time he was considered by the Committee and we both voted for and support Marsha Berzon.

I have tried to work with the Chairman and with the Majority Leader on all these nominations. I would like to work with those Senators whom the Majority Leader is protecting from having to vote on the Paez and Berzon nominations, but I do not know who they are. Despite the policy against secret holds, there are apparently secret Senate holds against both Paez and Berzon. That is wrong and unfair.

As we prepare to vote on the nomination of Ted Stewart, the Senate should also be voting on the nominations of Judge Richard Paez and Marsha Berzon. The Stewart nomination has been pending barely 2 months, the Berzon nomination has been stalled for almost 2 years and the Paez nomination has set a new, all-time record, having now been pending for almost 4 years. The Paez nomination was referred to in the Los Angeles Times recently as the ''Cal Ripken of judicial confirmation battles.'' What is most shameful is that the Senate is obstructing an up-or-down vote on these nominations without debate, without accountability and under the cloak of anonymity.

Certainly no President has consulted more closely with Senators of the other party on judicial nominations, which has greatly expanded the time this Administration has taken to make nominations. The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long. We should start by voting up or down on the Paez and Berzon nominations without further delay. That is the fair thing to do. The Majority Leader committed last Friday to finding a way to bring these two nominations to a vote. It is time for those votes to be occur.

This summer, in his remarks to the American Bar Association, the President, again, urged us to action. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility. I continue to urge the Republican Senate leadership to attend to these nominations without obstruction and proceed to vote on them with dispatch. The continuing refusal to vote on the nominations of Judge Richard Paez and Marsha Berzon demeans the Senate and all Americans.

It is my hope that the example we set here tonight and tomorrow will move the Senate into a new and more productive chapter of our efforts to consider judicial nominations. We are proceeding to vote on a judicial nominee that some Democratic Senators oppose in order to demonstrate our commitment to fairness for all. There was never a justification for the Republican majority to deny any judicial nominees a fair up or down vote. There is no excuse for their continuing failure to do so.

I will close with this. Let us move to a new and more productive chapter in our efforts to consider judicial nominations. Let us erase what has become a badge of shame for the Senate: You are a judicial nominee, and if you are a minority or a woman, no matter how good your qualifications are, you take much longer to go through this body than does a white male. That is a badge of shame on this great institution. Before we finish this year, we should erase it. We should say the Senate does not have a gender or a race or ethnicity qualification for judges. The Senate will vote on men nominees; vote them up or vote them down, but we will vote on them. We will not say if you are a woman or a minority you have to wait longer than anybody else because that is what the Senate has been doing and it is wrong. It is shameful. It is inexcusable. It demeans this great and wonderful institution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know my colleague from Missouri is going to speak, as will others. But I did want to follow the great Senator from Vermont, Mr. PAT LEAHY, who has done such an admirable job as the ranking member of the Judiciary Committee in fighting for fairness. If you listen to his remarks carefully, what he is basically saying is: Bring to the floor of the Senate the nominees who have been voted out of the committee; let's debate them; let's talk about them; let's talk about their merits. If you have a problem with them, put it out there. But let's vote. That is the least we can do for these good people.

Every single one of these people who have gone through the committee, has a current job. When they were nominated, and especially when they were voted out of the committee, they assumed they would be going to a new job, to be a judge. They had every reason to assume that because a good vote out of that committee—getting the support of Senator HATCH and usually one or two or three more on the Republican side, and all the Democrats—means you had the votes to get to the floor of the Senate.

As my friend has pointed out, it is very sad. We have had some bad situations develop. I was very hopeful, in this new round of approvals we have gone through—and I am grateful for the fact we have moved a few judges through—I was hopeful we would break the logjam with Judge Richard Paez and with Marsha Berzon, for several reasons.

One, they are terrific people. They would make great judges. They were voted out of the committee several times. They deserve a vote. They have loving family members. I have had the wonderful opportunity to meet their families: In the case of Richard Paez, his wife and children; in the case of Marsha, her husband and children. They are waiting for something to happen. This is not fair.

So while I am glad we are moving some court nominees—I am pleased we are doing that—I think we need to do more in the interests of the country. We need to do more. In the interests of fairness to these people, we need to do more.

Let me go into a few details about Richard Paez. Currently, he serves on the Federal bench as a district court judge in the Central District of California. He was first nominated by President Clinton to the court of appeals on January 25, 1996. Seven months later, on July 31, 1996, the Judiciary Committee finally held a hearing on Judge Paez' nomination.

Let me point out something. This is the same Judge Paez who came right through this Senate when we supported him for district court. So he is not a stranger to the Judiciary Committee. He is not a stranger to the Senate. We already approved him when he was nominated and took his seat on the district court. So here we have a situation where it took him 7 months to get his first hearing and then the Senate adjourned for the year without having reported the nomination. That was 1996.

Now we get to 1997. The President nominates Judge Paez for the second time. On February 25, the Judiciary Committee held a second hearing on the nomination. That was 1997.

On March 19, 1998, 1 year and 2 months later, Judge Paez' nomination was finally reported by the Judiciary Committee to the full Senate. But in the 7 months following, the Senate failed to act on the nomination, and it adjourned with that nomination still on the Executive Calendar.

Again, this year, for the third time, the President nominates Richard Paez to the Ninth Circuit Court. May I say, there are several vacancies on that court, more than half a dozen. So we are looking at a court that is not running at full speed. When there are 28 members is when they are completely full. Now they have all these vacancies. So the nomination is reported favorably by the Judiciary Committee on July 29 of this year, but again the full Senate has failed to act.

So it brings us to this day, where we have a little bit of a breakthrough. We are going to move forward five judges. I am glad we are doing it. But we have to be fair and look at this terrific judge, Judge Richard Paez.

I think we have an obligation to him and his family, and frankly, to the President, who is the President who has nominated this gentleman several times.

Sure, if the shoe was on the other foot and we had a Republican President, I do believe my colleagues would be saying: Give us an up-or-down vote. I do not think that Richard Paez, the wonderful human being that he is, deserves to be strung out by the Senate—3½ years strung out. I cannot understand why. I looked back through the record, and there is no one else who has been treated like this.

I say to my Republican friends, we do not know who has put a hold——

The PRESIDING OFFICER. The time allotted to the Senator from Vermont has expired.

Mrs. BOXER. What is the agreement because Senator LEAHY's staff is surprised his time has run out. Can the Chair tell me how much time remains?

The PRESIDING OFFICER. There was to be 45 minutes equally divided between the Senator from Vermont and the chairman of the Judiciary Committee, Senator HATCH, with an additional 15 minutes reserved for the distinguished Senator from Missouri.

Mr. BENNETT. Mr. President, I will be happy to yield an additional 2 or 3 minutes to the Senator from California so she may finish her statement.

Mrs. BOXER. Can the Senator from Utah make that 7 minutes since we accommodated the Senator from Missouri? If I may have 7 minutes, I can conclude.

Mr. BENNETT. I accede to the unanimous consent request for 7 additional minutes, not coming off our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank my colleague. I will try to finish in 5. I have not gotten to Marsha Berzon yet.

We are setting a record of which we should not be proud. This man has been strung out for 3½ years. He is a good man. He has a solid record, and we have an obligation to him and his family, the members of the legal and law enforcement communities, to the judicial system itself, and to the Latino community that is so very proud of him. Again, the Senate approved him to the district court. He has served with distinction there.

Judge Paez not only served in the district court, but he also served 13 years as a judge on the L.A. Municipal Court, one of the largest municipal courts in the country. He is such a leader that his colleagues elected him to serve as both supervising judge and presiding judge.

His support in the law enforcement community is pretty overwhelming. The late Sheriff Sherman Block of Los Angeles, a Republican, supported him. He is supported by Sheldon Sloan, the

former chairman of the judicial selection committees for both Senators Pete Wilson and John Seymour.

He is supported by Representative JAMES ROGAN, who was his colleague on the municipal court. Those who know me and JAMES ROGAN know we do not agree on a lot of things. We agree on Judge Paez.

He is supported by Gil Garcetti, district attorney for Los Angeles.

All these people have written wonderful things about him.

James Hahn, the Los Angeles city attorney, says ''his ethical standards are of the highest caliber. . . .''

Peter Brodie, president of the Association of L.A. Deputy Sheriffs, a 6,000-member organization, wrote to Chairman HATCH in support of Judge Paez's nomination.

The commissioner of the Department of California Highway Patrol says that ''Judge Paez . . . [is very] well qualified,'' and ''his character and integrity are impeccable.''

We have a good man here. Let's vote him up or down. I know the Senate will vote him in. I know that. I have not only spoken, I say to my friend from Vermont, to Democrats, but I have spoken to Republicans who intend to support him. So he will win that vote.

The second nominee, Marsha Berzon, is another example of a longstanding nominee who is being denied a vote by the full Senate.

In 1998—Senator LEAHY laid it out—she received an extensive two-part confirmation hearing, written questions, written answers, and she extensively answered every question of the committee. In 1999, she was favorably reported out of the committee.

Again, she is so well qualified. Marsha Berzon graduated cum laude from Radcliffe College in 1966, and in 1973, she received her Juris Doctor from UC Berkeley, Boalt Hall Law School, one of the greatest law schools in the country.

She has written dozens of U.S. Supreme Court briefs and has argued four court cases before the U.S. Supreme Court. She has had extensive experience appearing in Federal appeals courts, and it goes on and on.

She has received significant Republican support. Former Republican Senator James McClure of Idaho says:

> What becomes clear is that Ms. Berzon's intellect, experience and unquestioned integrity have led to strong and bipartisan support for her appointment.

J. Dennis McQuaid, an attorney from Marin County, my opponent when I first ran for the House of Representatives in 1982, says of Marsha:

> Unlike some advocates, she enjoys a reputation that is devoid of any remotely partisan agenda.

W.I. Usery, a former Republican Secretary of Labor under President Ford, has said that Marsha Berzon has all the qualifications needed, and he goes on.

Senator SPECTER has said very flattering things about Marsha Berzon. She has strong support from both sides of the aisle.

We have lots of vacancies on this court, and we have two fine people who are just waiting for the chance to serve. These people do not come along every day.

I want to address myself to the question raised by my friend from Vermont who has shared with me that there have been some independent studies that show, sadly, that if you are a minority, or if you are a woman, you do not seem to get looked at by the Senate; you do not seem to get acted on. You hang around; you wait around for a vote.

This is not a reputation the Senate wants. We want to give everyone a chance, and these are two candidates, a woman and a minority, who are so qualified that they were voted out in a bipartisan vote of the committee. I call on my friends on the other side of the aisle who may be holding up these nominees—I do not know who they are. I thought we said you have to come out and identify yourself, but so far I do not know who is holding these up.

I beg of you, in the name of fairness and justice and all things that are good in our country, give people a chance. If you do not think they are good, if you have a problem with something they said or did, bring it down to the floor. We can debate it. But please do not hold up these nominees. It is wrong. You would not do it to a friend. You would not do it to someone of whom you thought highly, so do not do it to these good people. They have families. They have jobs. They have careers. They are good people.

All we are asking for is a vote. I do not want to see people throughout the country coming to see us in our offices and claiming that women and minorities are not getting fair treatment. That is not what we should be about, and I do not think that is what we are about. But that is the kind of reputation this Senate is getting across this land.

We can fix it. We should follow the leadership of Senator LEAHY from Vermont because he has said very clearly for many months now: Bring these good people forward.

I want to say a kind word about Senator HATCH. Senator HATCH has said to me from day 1: Senator BOXER, when you bring me a nominee, I want you to make sure that not only are they well qualified, but that they have bipartisan support.

He looked me in the eye, even though he is a foot taller, and said: You promise me that.

I said: Senator HATCH, I will do that.

I have done that in these cases. These are two Ninth Circuit nominees who were nominated by the President, but I have supported them and Senator FEINSTEIN has supported them. They got the vote of Senator HATCH because he knows we have been very careful to nominate people who have mainstream support in the community. I promised him that. I have done that. He has been fair to me. I hope all of the Senate will be fair to these two nominees.

Mr. President, I thank Senator BENNETT for his kindness in giving me the additional time. I look forward to moving forward with these nominees we have before us and certainly, at a minimum, on Marsha Berzon, Richard Paez, and the others who are waiting in the wings for their day. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I believe I have 15 minutes on the nomination of Missouri Supreme Court Judge Ronnie White.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Mr. President, I rise today to oppose the nomination of Judge Ronnie White to the United States District Court for the Eastern District of Missouri.

Confirming judges is serious business. People we put into these Federal judgeships are there for life, removed only with great difficulty, as is evidenced by the fact that removals have been extremely rare.

There is enormous power on the Federal bench. Most of us have seen things happen through judges that could never have gotten through the House or Senate.

Alexander Hamilton, in Federalist Paper No. 78, put it this way:

> If [judges] should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.

Alexander Hamilton, at the beginning of this Nation, knew just how important it was for us to look carefully at those who would be nominated for and confirmed to serve as judges.

A judge who substitutes his will or her will for the legislative will, by displacing the legislative intent in enlarging the Constitution or amending it by saying, it is an evolutionary document and I am going to say now it has evolved to this state or that state, as opposed to an earlier state—that kind of judge is involved in what I call ''judicial activism.'' Judicial activism is simply the substitution of one's personal politics instead of the legislative will as expressed in our documents of the Constitution or in the law.

At no other place in our Republic do voters have virtually no recourse. This is an important thing for us to consider as we evaluate judges and we seek to determine whether or not their confirmation would be appropriate.

So as it relates to Judge Ronnie White, who serves now as a supreme court judge in the State of Missouri, upon his nomination I began to undertake a review of his opinions, and especially those circumstances and dissents where, as a judge on the Missouri Supreme Court, Judge White would have sought to change or otherwise extend or amend the law as it related to a variety of matters, especially in the area of criminal law. I also heeded carefully his answers during his confirmation

hearing and his answers to followup questions.

I believe Judge White's opinions have been and, if confirmed, his opinions on the Federal bench will continue to be procriminal and activist, with a slant toward criminals and defendants against prosecutors and the culture in terms of maintaining order; he will use his lifetime appointment to push law in a procriminal direction, consistent with his own personal political agenda, rather than defer to the legislative will of the people and interpret the law rather than expand it or redirect the law.

I believe the law should be interpreted as written, as intended by the legislature, not as amended or expanded by the courts. I believe Judge White will, as Alexander Hamilton so aptly described in Federalist 78, improperly ''exercise will instead of judgment.'' This is particularly true in the area of criminal law.

I am not alone in this view. Judge White's nomination has sparked strong concerns from a large number of Missouri law enforcement officials. Seventy-seven of the 114 sheriffs in the State of Missouri have decided to call our attention to Judge White's record in the criminal law. I do not take lightly the fact that 77 of these law enforcement, ground-zero sheriffs—people who actually are involved in making the arrests and apprehending those who have broken the law—would ask us to look very carefully at this nominee. They cite specific opinions he has written and say these are the kinds of opinions that give them great pause.

Anyone who knows something about Missouri's political system knows that 77 out of 114 sheriffs would be a bipartisan delegation. As a matter of fact, over 70 percent of all the public officials in Missouri who are nominated and elected are Democrats. So you have 77 of the 114 sheriffs of Missouri on record saying: Look carefully. Evaluate very carefully this nominee to the federal bench.

The Missouri Federation of Police Chiefs, an organization of police chiefs that spreads all across the State of Missouri, has indicated to us that we ought to tread very lightly here. As a matter of fact, they express real shock and dismay at the nomination. Prosecutors have contacted me with their public letters. And, frankly, other judges in the State have suggested to me I should think and consider very carefully whether or not we proceed in this matter.

The letter from the Missouri Federation of Police Chiefs is very direct. It says:

> We want to go on record with your offices as being opposed to his nomination and hope you will vote against him.

I want to express that the concern about Judge Ronnie White is far broader than some of us in the Senate; it goes to a majority of the sheriffs in the State, with an official letter of expression from the Missouri Federation of Police Chiefs. There are prosecutors who have come to me and asked me to think very carefully about the qualifications and the philosophy expressed by this nominee.

This opposition stems largely from Judge White's opinions in capital murder cases. These opinions, and particularly his dissents, reflect a serious bias against a willingness to impose the death penalty.

Judge White has been more liberal on the death penalty during his tenure than any other judge on the Missouri Supreme Court. He has dissented in death penalty cases more than any other judge during his tenure. He has written or joined in three times as many dissents in death penalty cases, and apparently it is unimportant how gruesome or egregious the facts or how clear the evidence of guilt. He has been very willing to say: We should seek, at every turn, in some of these cases to provide an additional opportunity for an individual to escape punishment.

This bias is especially troubling to me because, if confirmed, Judge White will have the power to review the death penalty decisions of the Missouri Supreme Court on habeas corpus. In the seat of district court, Judge White's sole dissents are transformed into a veto power over the judicial system of the State of Missouri. I do not think that should happen.

Let me give you an example of Judge White's sole dissent in the highly publicized case of Missouri v. Johnson.

James R. Johnson was a brutal cop killer. He went on a shooting rampage in a small town called Carolina, MO. It sent shock waves across the entire State in 1991—during the time I had the privilege to serve as Governor of the State. At that time, James Johnson stalked and killed a sheriff, two sheriff's deputies, and Pamela Jones, a sheriff's wife.

Johnson first shot a deputy who had responded to a call about a domestic dispute at Johnson's house. He shot the deputy in the back and then walked over, as the deputy lay on the ground, and shot him in the forehead, killing him.

Johnson then reloaded his car with guns and drove to the local sheriff's home. There the sheriff's wife, Pamela Jones, was having a Christmas party. Johnson fired a rifle repeatedly through the window, hitting Mrs. Jones five times. Mrs. Jones died of those wounds in her home in front of her family.

Then Johnson went to another deputy sheriff's home and shot him through a window as the deputy spoke on the phone. That deputy was lucky and survived.

Johnson then went to the sheriff's office, where other law enforcement officers had assembled to try to address the ongoing rampage that was terrorizing the town. Johnson lay in wait until officers left the meeting and then opened fire on them, killing one officer.

Then as another officer arrived on the scene in her car, Johnson shot and killed her. It was then that Johnson fled to the house of an elderly woman who he held hostage for 24 hours. She eventually convinced Johnson to release her, and she notified the authorities who apprehended Johnson. He was tried and convicted on four counts of first degree murder and given four death sentences, convicted on all counts, received four separate death sentences. In a sole dissent urging a lower legal standard so that this convicted multiple cop killer would be allowed a second bite at the apple to convince a different jury that he was not guilty, Ronnie White sought to give James Johnson another chance.

Sheriff Jones, obviously, opposes this nomination. He is urging law enforcement officers to oppose it because he believes there is a pattern of these kinds of decisions in the opinions and dissents of Judge White. He believes there is a pattern of procriminal opinions, and I think if one looks carefully, one might see that pattern.

Judge White was also the sole dissenter in a case called Missouri v. Kinder. In that case, the defendant raped and beat a woman to death with a lead pipe. White voted to grant the defendant a new trial, despite clear evidence of guilt, including eyewitness testimony that Kinder was seen leaving the scene of the crime at the time of the murder with a pipe in his hand, and genetic material was found with the victim. White dissented based on the alleged racial bias of the judge, which he urged was made evident by a press release the judge had issued to explain his change in party affiliation. The judge changed parties at sometime prior to this case, and the judge, in explaining his change of party, said he was opposed to affirmative action, discriminating in favor of one race over another race. He left the one party he was in because he disagreed with their position on affirmative action. That was the only basis for Judge White to provide a new opportunity for this individual to get a second bite at the apple, not the evidence about his conduct, the genetic material, or the eyewitness testimony.

Judge White's procriminal jurisprudence is not limited to murder cases. It extends to drug cases as well. In the case of Missouri v. Damask, Judge White's sole dissent in a drug and weapons seizure case, I think, reveals this same tendency on the part of this judge to rule in favor of criminal defendants and the accused in a procriminal matter and procriminal manner.

This was a case, Missouri v. Damask, about a drug checkpoint set up by the Missouri State police. The State police had erected a traffic sign on the highway in the middle of the night indicating ''drug checkpoint ahead.'' The sign was placed just before a remote exit, one which only local residents would have cause to use. Those seeking

to avoid the ''drug checkpoint'' by exiting met with a real drug checkpoint at the top of the exit ramp. There were no gas stations, no restaurants or facilities at that exit. Motorists exiting at that exit were stopped and asked why they exited. If police were able to determine from their answers that they were suitably suspicious to warrant a search, they searched their cars. It was a very successful program, netting numerous arrests.

The Missouri Supreme Court upheld the practice as a reasonable search and seizure under the fourth amendment, consistent with many rulings of our Federal courts interpreting the fourth amendment.

Judge White was the sole dissenter in an opinion that seemed less concerned with the established fourth amendment precedent than with whether the search was intimidating. Judge White's opinion would have hamstrung this effective tool in the war on drugs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, I yield the Senator an additional 10 minutes.

Mr. ASHCROFT. I thank the Senator from Utah.

It is these opinions and other opinions like them that have generated the concern in the Missouri law enforcement community about Judge White and have caused me to conclude that I must oppose his confirmation. It doesn't mean I oppose his coming to the floor. I am entirely willing to let the Senate express itself in this respect. But I urge my fellow Senators to consider whether we should sanction the life appointment to the responsibility of a Federal district court judge for one who has earned a vote of no confidence from so many in the law enforcement community in the State in which he resides. Many of my fellow Senators on the Judiciary Committee determined we should not and voted against his nomination.

I ask my fellow Senators to review Judge White's record carefully. Keep in mind that he will not only sit for life, but he will still have occasion to vote on death penalty cases reviewed by the Missouri Supreme Court.

Again, as a district judge, he will be able to hear habeas corpus petitions challenging death sentences that have been upheld by the Missouri Supreme Court; only, as a district judge, his sole dissenting vote will be enough to reverse a unanimous opinion by the Missouri Supreme Court. He will have a veto over the Missouri Supreme Court in death penalty cases. And based on Judge White's track record, this is not a situation that the law-abiding citizens of Missouri should have to endure.

As I conclude my remarks, I will read some of the text of communications I have received concerning this nominee. Sheriff Kenny Jones, whose wife was murdered by James Johnson, put it this way: Every law enforcement and every law-abiding citizen needs judges who will enforce the law without fear or favor. As law enforcement officers, we need judges who will back us up and not go looking for outrageous technicalities so a criminal can get off. We don't need a judge such as Ronnie White on the Federal court bench.

I quote again from another paragraph: The Johnson case isn't the only antideath penalty ruling by Judge White. He has voted against capital punishment more than any other judge on the court. I believe there is a pattern here. To me, Ronnie White is clearly the wrong person to entrust with the tremendous power of a Federal judge who serves for life.

A letter from a prosecutor: Judge White's record is unmistakably antilaw enforcement, and we believe his nomination should be defeated. His rulings and dissenting opinions on capital cases and on fourth amendment issues should be disqualifying factors when considering his nomination.

A letter from the Missouri Sheriffs Association: Attached please find a copy of the dissenting opinion rendered by Missouri Supreme Court Judge Ronnie White in the case of State of Missouri v. James R. Johnson.

Then a recitation of how James Johnson murdered Pam Jones, the wife of the Moniteau County sheriff, Kenny Jones. And then: As per attached, the Missouri Sheriffs strongly encourage you to consider this dissenting opinion in the nomination of Judge Ronnie White to be a U.S. district court judge.

Mr. LEAHY. Will the Senator yield for a question? Mr. President, will the Senator from Missouri yield for a question?

Mr. ASHCROFT. Yes, I will.

Mr. LEAHY. It is my understanding that Justice White has voted 17 times for death penalty reversals. Is that the understanding of the Senator from Missouri?

Mr. ASHCROFT. I don't have the specific count.

Mr. LEAHY. The numbers I have seen are that he has voted 17 times for reversal. Justice Covington, however, has voted 24 times for reversal in death penalty cases; Justice Holstein, 24 times; Justice Benton, 19 times; and Justice Price, 18 times. It would appear to me that at least Justices Covington, Holstein, Benton and Price, all on the Supreme Court, have voted many more times to reverse death sentences than Justice White has. Are these numbers similar to what the Senator from Missouri has?

Mr. ASHCROFT. Mr. President, I think I can go to the question here that I think the Senator is driving at. I will be happy to do that. The judges that the Senator from Vermont has named have served a variety of tenures, far in excess of the tenure of Judge White.

The clear fact is that, during his tenure, he has far more frequently dissented in capital cases than any other judge. He has, I believe, participated in 3 times as many dissents as any other judge. To try to compare a list of dissents or items from other judges from other timeframes, longer intervals, and a variety of different facts, with the tenure that Judge Ronnie White has served is like comparing apples and oranges. And the numerics thereof, without that additional aspect of the situation being revealed, may appear to cause a conclusion that would be different.

With that in mind, if you will think carefully about what I said, I believe I thought carefully when I said ''Judge White's record during his tenure''; that is what you have to be able to compare, judges during the same interval of time. With that in mind, during that same interval of time, he has been the champion of those dissenting in death penalty cases and has dissented in ways which, very frankly, have occasioned an outcry from the law enforcement community in Missouri. None of the other judges that I know of have been the recipients of that kind of outcry.

There is one final point that I will make. Those are other notable judges and they have records and serve on the Missouri Supreme Court. They are not persons against whom the law enforcement community has raised issues. But they are also not persons who have been nominated for service on the U.S. District Court, a court which could set aside the verdicts of the Missouri Supreme Court in habeas corpus cases. So while I think those particular judges are important—and if they are nominated for the Federal Court, I think we ought to look carefully at their work product.

So there are two points to be made here. One, the relevance of the numbers is only relevant in the context of the interval. To suggest that the numbers are out there, without defining the interval, would be inappropriate and misleading. So I would not do that.

Secondly, I think the relevance of a record that is unsatisfactory is directly appropriate to the judge who has been nominated. So we are not here to talk about other judges so much as we are to talk about whether or not Ronnie White ought to be confirmed as a member of the U.S. District Court. In my judgment, the law enforcement community in Missouri has expressed serious reservations about his lean toward defendants, and I think we should not vote to confirm him. I urge my colleagues not to vote to confirm Judge White, based on this understanding of the Missouri law enforcement community and a reading of his judicial papers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BENNETT. I am happy to.

Mr. LEAHY. I just note that Justice Ronnie White is far more apt to affirm a death penalty decision than to vote as one of many members of the Supreme Court to reverse it. He has voted

to affirm 41 times and voted to reverse only 17 times.

Mr. BENNETT. Mr. President, the Senator from Alabama has asked for 5 minutes. I yield 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his leadership in this matter. I want to share a few thoughts with Members of this body. I do believe in the rule of law. I believe that we ought to maintain it. I practiced full time in Federal Courts throughout my career, for almost 17 years. I respect Federal Judges and Federal law deeply. When appropriate, I have tried to support President Clinton's nominees for Federal Judgeships, because I believe a President should have some leeway in deciding who should serve on the Federal bench.

But I want to say a couple things about the Ninth Circuit. Since I have been in this body—a little over 2 years now—having left the practice of law as a full-time Federal prosecutor, I have had an understanding of the Ninth Circuit better than a lot of other people. I see Ninth Circuit criminal cases cited in Alabama and other areas very frequently because they are usually very pro-defendant. There will be no other criminal case in America that has been partial to a defendant in a given situation—for example a search and seizure, or something like that—and they will find a pro-defendant case in the Ninth Circuit.

I can say with confidence, from my experience, that the Ninth Circuit authorities are not well respected by the other circuits in America. They are out of the mainstream. In fact, the Supreme Court has begun to really rap their knuckles consistently. In 1996 and 1997, 28 cases from the Ninth Circuit went up to the U.S. Supreme Court for review, and 27 of them were reversed. In 1997 and 1998, 13 out of 17 were reversed. In 1998 and 1999, it was 14 out of 18. In the past, the numbers have been equally high—for over a decade.

The New York Times recently wrote that a majority of the members of the U.S. Supreme Court consider the Ninth Circuit to be a ''rogue'' circuit, a circuit out of control based on the history of their reversal rates. This is not me making this up; that is according to the New York Times.

I have been urging the President of the United States to nominate mainstream judges for the Ninth Circuit. That is what we are asking for. Let's get this circuit back into line so that we can have the largest circuit in America give the 20 percent of the people in the United States who are under the Ninth Circuit's jurisdiction justice consistent with the other circuits in America. These people are currently denied this justice because of their extremely liberal, activist circuit. There is no other way to say it. There was an Oregon Bar Bulletin article that studied this issue. The article examined the question of why the Ninth Circuit was being reversed so much in 1997. The article says: ''There is probably an element of truth to the claim that the Ninth Circuit has a relatively higher proportion of liberal judges than other circuits.'' It goes on to note how many are Carter and Clinton nominees. Already, a substantial majority—12 of the active 21 judges—were Carter or Clinton nominees. There is nothing wrong with that per se, however the nominees the White House has been sending to us from California have been even more liberal than the nominees President Clinton has nominated in other circuits. I don't see this kind of activism in nominees to other circuits. So the way I see this thing—and this is important for the members of this Senate to realize—we have the responsibility of advice and consent on judicial nominations. That is a responsibility given to us. We have to exercise it.

What I have been saying to President Clinton is, Mr. President, listen to us. Let's get this circuit—this rogue circuit—back into line. Give us mainstream nominees.

Mr. Fisher is, in my view, a fairly liberal Clinton appointee.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SESSIONS. If I could have 1 more minute.

Mr. BENNETT. I yield the Senator an additional minute.

Mr. SESSIONS. It is part of our responsibility to advise and consent. It is our duty to examine the state of justice in America, and to tell President Clinton that we are not going to continue to approve activist nominees for the Ninth Circuit. We have to have some mainstream legal talent on that circuit, not ACLU members or the like. And, if he will give us that, we will affirm them. If he does not, this Senator will oppose them.

I thank the Chair. I yield my time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am somewhat unfamiliar with the assignment of handling judicial nominees, that being the daily bread of my senior colleague, Senator HATCH. He is unable to be here, and therefore has asked me to step in in his place. I am glad to do whatever I can to help.

Ted Stewart has a background that, in my view, qualifies him to be a Federal judge, a view shared by the American Bar Association that has labeled him as qualified, and by a large number of Utahans of both political parties.

I first met Ted Stewart when I decided to run for the Senate. I found that he had beat me in that decision and was already in the field. I knew little or nothing about him. But I quickly learned as we went through the process of traveling the State in tandem with the other candidates that he was a man of great wisdom, an articulate man, and a man of good humor. We became fast friends even though we were opponents for the same seat.

One of the proudest moments in my campaign was the fact that after the State convention had narrowed the candidates to two, eliminating Ted Stewart, his organization became part of my organization. He maintained an appropriate judicial neutrality between me and the other candidate. But our friendship was established and has gone forward until this day.

I point out that judicial neutrality because it is typical of Ted Stewart. I know he had a personal preference. I will not disclose what it was. He was appropriately judicial, however, in keeping that personal preference to himself and taking the position that was right and proper under those circumstances. That demonstrates what we hear referred to around here from time to time as ''judicial temperament.''

The Senator from Alabama has talked about the reversal rate of the Ninth Circuit. We have had experience with the reversal rates in the State of Utah from Federal judges.

I remember on one occasion where I was in the presence of a young woman who had served on a jury of a highly celebrated case in the State of Utah and had voted in a way that was reversed when the case got to the circuit court. I asked her about it because it was interesting to me. She said: Well, I didn't want to vote that way, and neither did any other member of the jury, but the charge we received from the judge made it impossible for us to vote any other way.

After the trial was over, she said she and the other members of the jury were visiting with the lawyer who had supported the losing side, and they apologized to him for voting against him. They said: We thought you had the best case. But under the charge we were given by the judge, we had no choice but to vote against you. The lawyer smiled, and said: I know. And I expected that to happen because the judge in this case has such a high record of reversal that I didn't want to run the risk of having won a trial in his court. I knew my chances of winning on appeal were far greater if I had this judge on record against me.

Those who know this judge rated him as one of the most brilliant men ever appointed to the bench. He may have had that great intellect, but he did not have the common sense and the judicial temperament that made it possible for him to do his job. Tragically, the circuit court did his job for him again and again and again at great expense and inconvenience not only to the judicial system but to those plaintiffs and defendants who came before him.

I cite that because I am convinced in Judge Stewart's court you will not find that kind of bullheadedness and determination to have his own way as we saw in this other court.

In Judge Stewart's court, you will find the kind of levelheadedness, the desire to find the right answer, and the

willingness to work things out wherever possible as he has demonstrated throughout his career up to this point.

He has already had experience on a commission that required him to demonstrate that kind of judicial temperament. He handled his assignment there in such a way as to win him the endorsement of Democrats as well as Republicans.

I know there is some controversy surrounding him because he is the Governor's chief of staff. There are many people who, looking at the things he has done in his loyalty to the Governor, have said: Well, his opinions are not acceptable to us.

They have been critical of him. They do not know the man if they maintain that criticism because he will never depart from his conviction that the law comes first. He has demonstrated loyalty to those who have appointed him. But he has also demonstrated a capacity to handle the law and handle the regulations that he is charged with enforcing in a way that will make all Americans proud.

I am happy to join my senior colleague in endorsing the nomination of Ted Stewart for the Federal bench. I look forward with great enthusiasm to voting for him tomorrow.

I am grateful to the senior Senator from Vermont for his announcement that he, too, will vote for Ted Stewart. I hope, with both the chairman and the ranking member of the Judiciary Committee solidly in Judge Stewart's behalf, that we will have an overwhelmingly positive vote for him.

NOMINATIONS OF RAY FISHER, MARSHA BERZON, AND RICHARD PAEZ

Mrs. FEINSTEIN. Mr. President, I want to first thank our minority leader for all of his effort in bringing public attention to the plight of pending judicial nominees.

Thanks to Senator DASCHLE's efforts, we have made some progress. Jim Lorenz, a fine California attorney who served seven years on my judicial selection committee, was confirmed on Friday along with Victor Marrero of New York.

Jim Lorenz's confirmation will help address a desperate shortage of judges in the Southern District of California. I have spoken several times with Marilyn Huff, Chief Judge of the Southern District of California, about the District's caseload crisis.

A recent judicial survey ranked the Southern District as the most overburdened court in the country. The weighted average caseload in the Southern District is 1,006 cases per judge, more than twice the national average.

It is also a significant step forward for the Senate that we will have a vote tomorrow on Associate Attorney General, Ray Fisher, to be a Circuit Judge on the Ninth Circuit Court of Appeal.

Ray Fisher is an extraordinary nominee who will add some support to the skeleton crew of judges currently presiding on the Ninth Circuit.

Currently, the Ninth Circuit has seven vacancies, which is 25 percent of the total judgeship positions on the circuit.

Each one of these judicial vacancies qualifies as a judicial emergency. The Chief Judge of the Ninth Circuit reports that the Circuit could handle 750 more cases right now if the vacancies were filled.

Prior to his appointment as Associate Attorney General, Ray Fisher was considered one of the top trial lawyers in Southern California. His legal skills are so highly regarded that he recently was inducted into the American College of Trial Lawyers, an honor bestowed on only the top one percent of the profession.

During his 30 year career in private practice, Ray Fisher specialized in the toughest of cases, complex civil litigation, and in alternate dispute resolution. In 1988, he founded the Los Angeles Office of Heller Ehrman, White and McAullife, an office that has grown from 6 attorneys to 48.

The Standing Committee on Federal Judiciary of the American Bar Association has deemed Mr. Fisher ''Well Qualified'' for appointment as Judge of the United States Court of Appeals.

Ray Fisher graduated from Stanford Law School in 1966, where he was president of The Stanford Law Review and awarded the Order of the Coif. Following law school, he served as a law clerk for Judge J. Skelley Wright of United States Court of Appeals for the District of Columbia Circuit and Supreme Court Justice William Brennan.

I am confident Ray Fisher's acute interest in public service, specifically in public safety, and his overarching concern for fairness will serve the Ninth Circuit well.

However, I am disappointed that the Senate could not confirm other pending Ninth Circuit nominees. Ray Fisher is a start, but six vacancies remain on the Ninth Circuit Court of Appeals.

Two of those vacancies should be filled by Marsha Berzon and Judge Richard Paez.

It is a disturbing fact that women and minority nominees are having a difficult time getting confirmed by the Senate.

A report by the independent, bipartisan group Citizens for Independent Courts released last week found that during the 105th Congress, the average time between nomination and confirmation for male nominees was 184 days, while for women it was 249 days—a full 2 months longer.

This disturbing trend continues this year. Women and minorities constitute over 55 percent of the President's nominees in 1999; by contrast, only 41 percent of the nominees confirmed this year by the Senate are women or minorities.

All we have ever asked for Marsha Berzon and Richard Paez is that both nominees get an up-or-down vote. If a Senator has a problem with particular nominees, he or she should vote against them. But a nominee should not be held up interminably by a handful of Senators.

Let me assure my colleagues, this does not mark the end of a fight. At some point, legislation is not going to move until Marsha Berzon and Judge Richard Paez get an up-or-down vote. Let me take a moment to discuss the nominations process that these two nominees have experienced.

Judge Richard Paez, the first Mexican-American District judge in Los Angeles, was nominated on January 25, 1996—almost four years ago. He still hasn't made it to the Senate Floor for a vote. Any problem with his nomination can't be with his legal background.

He has 17 years of judicial experience. The American Bar Association found him to be ''well-qualified.'' He is also strongly supported by the legal community in Los Angeles including Gil Garcetti, the District Attorney, the Los Angeles County Police Chiefs' Association and the Association for Los Angeles Deputy Sheriffs. Judge Paez has described this interminable nominations process as a ''cloud'' hanging over his head. Litigants in his court constantly query him if the case is going to be continued, if his case is going to be assigned to someone else, or if Judge Paez is going to keep it. No nominee should have to face this uncertainty. His family has been thrust into the public limelight, and for four years every action he has taken has been subject to microscopic scrutiny.

Marsha Berzon was nominated almost a year and a half ago. She had her first hearing on July 30, 1998, and a second hearing in June 1999. Only in July 1999 was she reported out of committee and her nomination is pending before the Senate. Nationally renowned appellate attorney with over 20 years of appellate practice, she clerked for Supreme Court Justice Brennan and U.S. Court of Appeals Judge James Browning. She graduated Order of the Coif from Boalt Hall, has the support of law enforcement including the National Association of Police Organizations (NAPO) and the International Union of Police Organizations, has strong bipartisan support including former Idaho Senator James Mclure and former EPA Administrator William D. Ruckelshaus.

The slow pace of this nomination has caused an incredible burden on Marsha Berzon both personally and professionally. Due to uncertainty over her future, she has significantly curtailed her private practice, and no longer is representing clients before the Supreme Court or the Ninth Circuit.

Chief Justice Rehnquist recently said that ''[t]he Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

Richard Paez and Marsha Berzon do not deserve to have their distinguished

careers and personal lives held in limbo. Our institutional integrity requires an up-or-down vote.

Until Marsha Berzon and Richard Paez get votes, this nominations process will remain tainted.

I assure my colleagues in the Senate that the nominations of Marsha Berzon and Richard Paez will not fade away. We will keep pressing for these nominees until they get the vote they deserve.

• Mr. HATCH. Mr. President, it is a great pleasure for me to support—on the Senate floor—the confirmation of a judicial candidate who is the epitome of good character, broad experience, and a judicious temperament.

First, however, I think it appropriate that I spend a moment to acknowledge the minority for relenting in what I consider to have been an ill-conceived gambit to politicize the judicial confirmations process. My colleagues appear to have made history on September 21 by preventing the invocation of cloture for the first time ever on a district judge's nomination.

This was—and still is—gravely disappointing to me. In a body whose best moments have been those in which statesmanship triumphs over partisanship, this unfortunate statistic does not make for a proud legacy.

My colleagues—who were motivated by the legitimate goal of gaining votes on two particular nominees—pursued a short term offensive which failed to accomplish their objective and risked long-term peril for the nation's judiciary. There now exists on the books a fresh precedent to filibuster judicial nominees whose nominations either political party disagrees with.

I have always, and consistently, taken the position that the Senate must address the qualifications of a judicial nominee by a majority vote, and that the 41 votes necessary to defeat cloture are no substitute for the democratic and constitutional principles that underlie this body's majoritarian premise for confirmation to our federal judiciary.

But now the Senate is moving forward with the nomination of Ted Stewart. I think some of my colleagues realized they had erred in drawing lines in the sand, and that their position threatened to do lasting damage to the Senate's confirmation process, the integrity of the institution, and the judicial branch.

The record of the Judiciary Committee in processing nominees is a good one. I believe the Senate realized that the Committee will continue to hold hearings on those judicial nominees who are qualified, have appropriate judicial temperament, and who respect the rule of law. I had assured my colleagues of this before we reached this temporary impasse and I reiterate this commitment today.

This is not a time for partisan declarations of victory, but I am pleased that my colleagues revisited their decision to hold up the nomination. We are proceeding with a vote on the merits of Ted Stewart's nomination, and we will then proceed upon an arranged schedule to vote on other nominees in precisely the way that was proposed prior to the filibuster vote.

Ultimately, it is my hope for us, as an institution, that instead of signaling a trend, the last two weeks will instead look more like an aberration that was quickly corrected. I look forward to moving ahead to perform our constitutional obligation of providing advice and consent to the President's judicial nominees.

And now, I would like to turn our attention to the merits of Ted Stewart's nomination. I have known Ted Stewart for many years. I have long respected his integrity, his commitment to public service, and his judgment. And I am pleased that President Clinton saw fit to nominate this fine man for a seat on the United States District Court for the District of Utah.

Mr. Stewart received his law degree from the University of Utah School of Law and his undergraduate degree from Utah State University. He worked as a practicing lawyer in Salt Lake City for six years. And he served as trial counsel with the Judge Advocate General in the Utah National Guard.

In 1981, Mr. Stewart came to Washington to work with Congressman JIM HANSEN. His practical legal experience served him well on Capitol Hill, where he was intimately involved in the drafting of legislation.

Mr. Stewart's outstanding record in private practice and in the legislative branch earned him an appointment to the Utah Public Service Commission in 1985. For 7 years, he served in a quasi-judicial capacity on the commission, conducting hearings, receiving evidence, and rendering decisions with findings of fact and conclusions of law.

Mr. Stewart then brought his experience as a practicing lawyer, as a legislative aide, and as a quasi-judicial officer, to the executive branch in state government. Beginning in 1992, he served as Executive Director of the Utah Departments of Commerce and Natural Resources. And since 1998, Mr. Stewart has served as the chief of staff of Governor Mike Leavitt.

Throughout Mr. Stewart's career, in private practice, in the legislative branch, in the executive branch and as a quasi-judicial officer, he has earned the respect of those who have worked for him, those who have worked with him, and those who were affected by his decisions. And a large number of people from all walks of life and both sides of the political aisle have written letters supporting Mr. Stewart's nomination.

James Jenkins, former president of the Utah State Bar, wrote, "Ted's reputation for good character and industry and his temperament of fairness, objectivity, courtesy, and patience [are] without blemish."

Utah State Senator, Mike Dmitrich, one of many Democrats supporting this nomination, wrote, "[Mr. Stewart] has always been fair and deliberate and shown the moderation and thoughtfulness that the judiciary requires."

And I understand that the American Bar Association has concluded that Ted Stewart meets the qualifications for appointment to the federal district court. This sentiment is strongly shared by many in Utah, including the recent president of the Utah State Bar. For these reasons, Mr. Stewart was approved for confirmation to the bench by an overwhelming majority vote of the Judiciary Committee.

To those who would contend Mr. Stewart has taken so-called anti-environmental positions, I say: look more carefully at his record. Mr. Stewart was the director of Utah's Department of Natural Resources for 5 years, and the fact is that his whole record has earned the respect and support of many local environmental groups.

Indeed, for his actions in protecting reserve water rights in Zion National Park, Mr. Stewart was enthusiastically praised by this administration's Secretary of the Interior.

And consider the encomiums from the following persons hailing from Utah's environmental community:

R.G. Valentine, of the Utah Wetlands Foundation, wrote, "Mr. Stewart's judgment and judicial evaluation of any project or issue has been one of unbiased and balanced results."

And Don Peay, of the conservation group Sportsmen for Fish and Wildlife, wrote, "I have nothing but respect for a man who is honest, fair, considerate, and extremely capable."

Indeed, far from criticism, Mr. Stewart deserves praise for his major accomplishments in protecting the environment.

Ultimately, the legion of letters and testaments in support of Mr. Stewart's nomination reflects the balanced and fair judgment that he has exhibited over his long and distinguished career. Those who know Ted Stewart know he will continue to serve the public well.

On a final note, Ted Stewart is needed in Utah. The seat he will be taking has been vacant since 1997. So, I am deeply gratified that the Senate is now considering Mr. Stewart for confirmation.•

LEGISLATIVE SESSION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed legislative session.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there be a period of morning business with Senators to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOPE FOR AFRICA BILL

Mr. FEINGOLD. Mr. President, on September 24 I introduced a new Africa trade bill—S. 1636, the HOPE for Africa Act—a bill that will invigorate commercial relationships between the United States and African trading partners, with healthy results for both.

It expands trade between Africa and the United States, offers United States companies new opportunities to invest in African economies, and promises new HOPE for the people of Sub-Saharan Africa themselves, who are struggling against daunting odds to gain a foothold in the global marketplace and embrace the growth and stability it will bring.

It's important to say here that everyone proposing Africa trade legislation has the same goal—we all want to help expand trade and development with Africa in a way that is also good for American companies and workers—but it's equally important to point out how we differ in approach, and what those differences will mean for African economies.

For years Africa has gotten short shrift in the attention of the American public and of American policymakers, and I am very encouraged that there has been renewed interest in expanding opportunities for United States business in Africa.

But Congress shouldn't make up for those years of neglect by passing weak legislation that will have little impact on United States-Africa trade.

As a member of the Senate Subcommittee on Africa for more than 6 years, and its ranking Democrat for more than four, I know that now is the time for foresight and bold action, because Africa today is brimming with both tribulations and potential.

I offer this bill today because unfortunately, other proposals fall short of their goals by providing only minimal benefits for Africa and for Africans.

First and foremost, they fail to address two crises that are hobbling Africa's ability to compete—the overwhelming debt burden, and the deadly HIV/AIDS epidemic, both of which are so corrosive to African aspirations.

My legislation, which is similar in many respects to the HOPE for Africa bill introduced recently by Representative JESSE JACKSON, Jr., in the House of Representatives, takes a more comprehensive approach to our current trade relationship with Africa—the only kind of approach that can generate the kind of dramatic progress Africa needs to become a more viable partner in the global economy.

My HOPE for Africa legislation offers broader trading benefits than the other pending proposals, and just as importantly, it takes steps to address the debt burden and AIDS crisis that handicap African economies.

My bill extends trade benefits to selected African countries on a broader variety of products—and does not rely narrowly on textiles, as other proposals do. Broader benefits give African businesses and workers a better chance to establish sustainable trade-generated economic development.

My bill includes strong protections against the backdoor tactic of illegal transshipment of goods from China and other third countries through Africa to the United States, that would cheat workers and companies here and in Africa of hard-earned opportunities.

Provisions of my bill will help deter the influx to the African continent of lower-wage workers from outside Africa, ensuring that Africans themselves will be the ones to benefit from the provisions of this bill.

Another centerpiece of this bill is that it requires strict compliance with internationally-recognized standards of worker and human rights and environmental protections. The rights of Africa's peoples and the state of its environment may seem removed from life here in the United States. But if we are wise we will all remember that we are all affected when logging and mining deplete African rainforests and increase global warming, and we all reap the benefits of an Africa where freedom and human dignity reign on the continent, creating a stable environment in which business can thrive. American ideals and simple good sense require that we be vigilant in this regard.

The bill takes crucial steps to support the fight against the crushing HIV/AIDS epidemic, which has had a devastating impact in Sub-Saharan Africa. Of the 33.4 million adults and children living with HIV/AIDS worldwide in 1998, a staggering 22.5 million live in the 48 countries of sub-Saharan Africa. Since the onset of the worldwide HIV/AIDS crisis, more than 34 million sub-Saharan Africans have been infected, and more than 11.5 million of those infected have died. Since the onset of the HIV/AIDS crisis, approximately 83 percent of AIDS deaths have occurred in Africa. The vast tragedy of HIV/AIDS in Africa is daunting, overwhelming, but it must be overwhelmed with a massive effort that will have to be integrated with any Africa trade regime that hopes to succeed.

Finally, the bill provides for substantial debt relief for Sub-Saharan African nations. Debt, debt, debt is the finger on the scales that keeps that rich continent from achieving its economic potential and embracing a freer, more prosperous future. In 1997, sub-Saharan African debt totaled more than $215 billion, about $6.5 billion of which is owed to the United States government. The debt of at least 30 of the 48 Sub-Saharan African countries exceeds 50 percent of their gross national products. The international community must find a reasonable way substantially to reduce this debt burden so that the countries of sub-Saharan Africa can invest scarce dollars in the futures of the most precious of their natural resources—their people.

My HOPE for Africa bill can establish a framework to achieve these goals by relieving Sub-Saharan African nations of a significant piece of their current debt, supporting environmental protections and human rights in these developing economies, and giving African businesses—including small and women-owned businesses—a chance to share in the burgeoning global economy.

I was pleased to announce my intention to offer this legislation at a press conference recently in Milwaukee along with several representatives of the state legislature and the local business community.

Mr. President, the current level of trade and investment between the United States and African countries is depressingly small.

It is called the magic 1 percent. Africa represents only 1 percent of our exports, one percent of our imports, and 1 percent of our foreign direct investment.

That is a tragic 1 percent, the fruit of missed opportunities, wasted potential and simple neglect.

The history of U.S. trade on the African continent is a litany of lost opportunity with a smattering of bright spots concentrated among a few countries.

United States trade in Africa is not diversified. In 1998, 78 percent of U.S. exports to the region went to only five countries—South Africa, Nigeria, Anglola, Ghana, and Kenya, and the vast majority of imports that year came only from Nigeria, South Africa, Angola, Gabon, and Cote d'Ivoire.

In 1998, major U.S. exports to the region included machinery and transport equipment, such as aircraft and parts, civil engineering, equipment, data processing machines, as well as wheat.

Major United States imports from Africa include largely basic commodities such as crude oil which is the leading import by far, and some refined oils, minerals and materials, including platinum and diamonds, and some agricultural commodities such as cocoa beans.

U.S. exports were much more diversified than U.S. imports.

The top 5 import items represent 75 percent of all U.S. imports from the region.

That dire lack of diversity is discouraging, but the holes in the United States-Africa trade picture tell also of a wealth of opportunity.

The investment picture is no better.

United States foreign direct investment in Africa, including northern Africa, at the end of 1997 was $10.3 billion, or 1 percent of all United States foreign direct investment.

Over half of the United States direct investment in Africa was in the petroleum sector. South Africa received the largest share of United States foreign direct investment in sub-Saharan Africa, and manufacturing accounted for the largest share of that investment.

Nigeria received the second largest share of United States foreign direct investment in Sub-Saharan Africa, and petroleum accounted for almost all of that investment.

What is missing here is the coherent development that can make the countries of Africa into a growing dynamic economic power with a healthy appetite for American products.

I hope my bill will help spark that development and drive up all of these meager trade statistics.

First, if offers trade benefits on a wider variety of products than is covered under competing proposals.

These provisions are designed to help African economies diversify their export base.

that's good for Africa, and good for us.

Second, as I have noted, my bill addresses the two biggest barriers to economic development in Africa—HIV/AIDS and debt.

In addition, it helps infuse into African economies a powerful engine of economic growth—small business.

The bill gives special attention to small- and women-owned businesses in Africa and it ensures that existing United States trade promotion mechanisms are made available to American small businesses seeking to do business in Africa.

That kind of attention to the economic fundamentals also is good for Africa and good for us.

My bill authorizes the Overseas Private Investment Corporation, OPIC, to initiate one or more equity funds in support of infrastructure projects in sub-Saharan Africa, including basic health services, including HIV/AIDS prevention and treatment, hospitals, potable water, sanitation, schools, electrification of rural areas, and publicly-accessible transportation.

It specifically requires that not less than 70 percent of equity funds be allocated to projects involving small- and women-owned businesses with substantial African ownership, thus ensuring that Africa truly gains from the provision.

It also specifies that a majority of funds be allocated to American small business.

Good for Africa and good for America.

This measure also ensures that the benefits of economic growth and development in Africa will be broad enough to allow African workers and African firms to buy American goods and services.

My bill explicitly requires compliance with internationally recognized standards of worker and human rights and environmental protections in order for countries to receive the additional trade benefits of the legislation.

The requirements are enforceable and allow for legal action to be taken by United States citizens when an African country fails to comply.

The bill also includes strong protections against the illegal transshipments of goods from their countries through Africa, and authorizes the provision of technical assistance to customs services in Africa.

Transshipment is frankly a sneaky practice employed by producers in China and other third party countries, especially in Asia.

Here's how it works: they establish sham production in countries which may export to the United States under more favorable conditions than those producers enjoy in their own countries.

Then they ship goods made in their factories at home and meant for the United States market to the third country, in this case an African country, pack it or assemble it in some minor way, and send it on to the United States marked ''Make in Africa,'' with all the benefits that label would bring.

If that happens in Africa, it will undermine our objectives—it will be bad for Africa, bad for the United States, and simply unjust.

These provisions are intended to ensure that the trade benefits in Africa accrue to African workers rather than non-African producers.

There is more talk of Africa in the Halls of Congress than we have heard in a long time.

I welcome that because we have hope for this kind of attention on the Senate Subcommittee on Africa for the seven years I have served on that committee.

The prospect of expanding trade with Africa has inspired many members to educate themselves about the changes taking place on the continent.

Now they have to accept the opportunity and the challenge those changes present.

Now they have to fix our trading relationship with Africa.

In our zeal to expand our trading relationship with selected countries, we must be mindful to do it in a manner that is sustainable.

I fear that some of the other alternatives that are out there are insufficient to meet and sustain the goals that we all share.

A better trade relationship for Africa has to be for the long term because its richest rewards will come in the long term.

Lasting, equitable, and effective expansion of commercial ties to the economies and peoples of Africa will require bold steps.

This legislation represents the first of those steps. I urge my colleagues to take up the tools we have to help the Nations of Africa build a more prosperous and just place on their continent. It is the right thing to do and the smart thing to do for America. Please join me in supporting the HOPE for Africa bill.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Deficit
Current Allocation:			
General purpose discretionary	534,542,000,000	544,481,000,000	
Violent crime reduction fund	4,500,000,000	5,554,000,000	
Highways		24,574,000,000	
Mass transit		4,117,000,000	
Mandatory	321,502,000,000	304,297,000,000	
Total	860,544,000,000	883,023,000,000	
Adjustments:			
General purpose discretionary	+8,699,000,000	+8,282,000,000	
Violent crime reduction fund			
Highways			
Mass transit			
Mandatory			
Total	+8,699,000,000	+8,282,000,000	
Revised Allocation:			
General purpose discretionary	543,241,000,000	552,763,000,000	
Violent crime reduction fund	4,500,000,000	5,554,000,000	
Highways		24,574,000,000	
Mass transit		4,117,000,000	
Mandatory	321,502,000,000	304,297,000,000	
Total	869,243,000,000	891,305,000,000	

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,429,491,000,000	1,415,863,000,000	−7,781,000,000
Adjustments: Emergencies	+8,699,000,000	+8,282,000,000	−8,282,000,000

	Budget authority	Outlays	Deficit
Revised Allocation: Budget Resolution	1,438,190,000,000	1,424,145,000,000	−16,063,000,000

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, October 1, 1999, the Federal debt stood at $5,652,679,330,611.02 (Five trillion, six hundred fifty-two billion, six hundred seventy-nine million, three hundred thirty thousand, six hundred eleven dollars and two cents).

One year ago, October 1, 1998, the Federal debt stood at $5,540,570,000,000 (Five trillion, five hundred forty billion, five hundred seventy million).

Fifteen years ago, October 1, 1984, the Federal debt stood at $1,572,266,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-six million).

Twenty-five years ago, October 1, 1974, the Federal debt stood at $481,059,000,000 (Four hundred eighty-one billion, fifty-nine million) which reflects a debt increase of more than $5 trillion—$5,171,620,330,611.02 (Five trillion, one hundred seventy-one billion, six hundred twenty million, three hundred thirty thousand, six hundred eleven dollars and two cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1606. An act to reenact chapter 12 of title 11, United States Code, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5497. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Request for Comments; Docket No. 99–NM–216 (9–28/9–30)'' (RIN2120–AA64) (1999–0370), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5498. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; Docket No. 99–NM–270 (9–24/9–30)'' (RIN2120–AA64) (1999–0369), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5499. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320 Series Airplanes; Docket No. 99–NM–48 (9–24/9–30)'' (RIN2120–AA64) (1999–0368), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5500. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney JT9D–7R4 Series Turbofan Engines; Docket No. 99–NE–06 (9–24/9–30)'' (RIN2120–AA64) (1999–0366), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5501. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney PW2000 Series Turbofan Engines; Docket No. 99–NE–02 (9–24/9–30)'' (RIN2120–AA64) (1999–0365), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MACK, from the Joint Economic Committee:

Special report entitled ''The 1999 Joint Economic Report'' (Rept. No. 106–169).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1236: A bill to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho (Rept. No. 106–170).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S.J. Res. 3: A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

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. MURKOWSKI:

S. 1683. A bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1684. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor and to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

By Mr. BENNETT:

S. 1685. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH:

S.J. Res. 35. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Governmental Affairs, pursuant to the order of section 602 of the District of Columbia Home Rule Act.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. Res. 195. Expressing the sense of the Senate concerning Dr. William Ransom Wood; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1683. A bill to make technical changes to the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

RURAL ALASKA ACCESS RIGHTS ACT OF 1999

• Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to make technical amendments to the Alaska National Interest Lands Conservation Act (ANILCA).

This legislation is a Rural Alaska Bill of Rights.

This legislation is the direct result of no less than six hearings I have held on this issue since becoming chairman of the Committee on Energy and Natural Resources.

During these hearings I was continuously assured by the administration that many of the frustrations Alaskans face because of the interpretation of ANILCA could be dealt with administratively. Unfortunately, many of the problems remain unresolved today.

Some background on this issue is appropriate.

Nineteen years ago Congress enacted ANILCA placing more than 100 million acres of land out of 365 into a series of vast parks, wildlife refuges, and wilderness units.

Much of the concern about the act was the impact these Federal units, and related management restrictions, would have on traditional activities and lifestyles of the Alaskan people.

To allay these concerns, ANILCA included a series of unique provisions designed to ensure that traditional activities and lifestyles would continue, and that Alaskans would not be subjected to a ''Permit Lifestyle,'' as the

senior Senator from Alaska has often said.

It is for these reasons that ANILCA is often called ''compromise legislation'' and indeed it was—part of the compromise was that lands would be placed in CSU's and the other part was that Alaskans would be granted certain rights with regard to access and use in these units.

These rights were not only granted to the individuals that live in Alaska but were designed to allow the State itself to play a major role in the planning and use of these areas.

However, the Federal Government has not lived up to its end of the bargain—many of the Federal managers seem to have lost sight of these important representations to the people of Alaska, specifically on issues such as access across these areas and use in them.

Federal managers no longer recognize the crucial distinction between managing units surrounded by millions of people in the Lower 48 and vast multi-million acre units encompassing just a handful of individuals and communities in Alaska.

The result is the creation of the exact ''permit lifestyle'' which we were promised would never happen.

The delegation and other Members of this body warned this could be the case when the legislation passed.

As one Member of this body noted in the Senate report on this bill:

> This Piece of Legislation, if enacted will prove to be the most important legislation ever affecting Alaska . . . While we in Congress may be reading the provisions one way . . . regulatory tools are all laid out in the bill to give rise to future bureaucratic nightmare for the people of Alaska . . . Frankly, I am expecting the worst . . . the use of massive conservation system unit designations to block exploration, development, and recreation of these lands and on adjacent non-federal lands.

How prophetic!

The Committee on Energy and Natural Resources has held extensive hearings in Alaska on the implementation of ANILCA in Anchorage, Wrangell and Fairbanks.

In these hearings we have heard from nearly 100 witnesses—representing every possible interest group.

Four clear themes have emerged from those hearings:

Federal agencies have failed to honor the promises made to Alaskans when ANILCA was passed into law;

Agencies are not providing prior and existing right holders with reasonable use and access in the exercise of their property right;

Agency personnel manage Alaska wilderness areas and conservation units the same way that similar units are being managed in the Lower 48—contrary to the intent of Congress; and

Agencies, while stating their willingness to address complaints, fail to act in a reasonable and timely fashion when it comes to dealing with specific issues.

Some of the specific issues identified include such absurdities as:

Indivdiuals and corporations are asked to pay hundreds-of-thousands of dollars to do an EIS for access to their own properties when none is required by law.

Millions of acres of public lands are closed to recreationists without ever having identified a resource threat.

When a tree falls on somebody's cabin or a bear destroys it Federal regulators will not let a person make reasonable repairs.

At field hearings the administration asked for time to address these problems—we gave them time—and little has happened.

We have not ''jumped'' to a legislative solution, rather we have acknowledged that oversight has failed to produce meaningful administrative change.

Does it make sense that:

When land managers are assigned to Alaska they are not required to have any formal ANILCA training?

When a tree falls on somebody's cabin or a bear destroys it that Federal regulators will not let a person make reasonable repairs.

People are told they will have to pay ridiculous sums of money to access their inholdings?

The answer to all these questions is clearly no. These are some of the problems that have to be resolved and are included in this legislation.●

By Mr. HARKIN:

S. 1684. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor and to clarify that forced or indentured labor includes forced or indentured child labor; to the Committee on Finance.

GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR

Mr. HARKIN. 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. 1684

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

SECTION 1. GOODS MADE WITH FORCED OR INDENTURED LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) in the second sentence, by striking ''; but in no case'' and all that follows to the end period; and

(2) by adding at the end the following new sentence: ''For purposes of this section, the term 'forced labor or/and indentured labor' includes forced or indentured child labor.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a)(1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) CHILD LABOR.—The amendment made by subsection (a)(2) takes effect on the date of enactment of this Act.

By Mr. BENNETT:

S. 1685. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; to the Committee on Energy and Natural Resources.

GOLDEN SPIKE/CROSSRODS OF THE WEST NATIONAL HERITAGE AREA ACT OF 1999

Mr. BENNETT. Mr. President, I am pleased to introduce legislation today which authorizes the creation of the Golden Spike/Crossroads of the West National Heritage Area in Ogden, Utah.

Utah has a rich railroad heritage that stems from the earliest days when the Central Pacific and Union Pacific railroads met at Promontory Point, Utah in 1869 and completed the transcontinental railroad. With the coming of the railroad, Utah's mining industry boomed and our economy grew and the once isolated Desert Kingdom became forever connected to the rest of the United States. Diverse peoples and cultures would come to or through Utah. Mormon immigrants from Europe, Chinese laborers working for the Central Pacific Railroad and Greek coal miners on their way to the coal fields in Central Utah. All of them would pass through the rail station in Ogden on their way to settle the Intermountain West. It truly is a heritage area for us all.

Fire destroyed the original rail station first built in 1889. In 1924 the current Union Station Depot was then built and remained the hub of transcontinental rail traffic for another 40 years. The current building, which is a registered historic site, has been refurbished and is an outstanding example of reuse and redevelopment of industrial areas. The facilities at Union Station also house some of the finest museum collections in the West including the Browning Firearms Museum and the Utah State Railroad Museum.

It is the intent of this legislation to preserve the historical nature of the area, increase public awareness and appreciation for the pivotal role Ogden played in the settlement of the Intermountain West. By general standards, this will be a very small Heritage Area, encompassing just a few city blocks around the Union Station building. While it may be small, it also has a very colorful history. There were no businesses which were more famous, or infamous than those that dotted 24th and 25th Streets.

The legislation would allow Ogden City to operate as the management entity for the area, working in closely with the National Park Service. The City will be responsible for developing a management plan which will present comprehensive recommendations for the conservation and management of the area while the National Park Service will work closely with the partners to help with interpretation and the protection of this valuable cultural and historical resource. Working with railroad enthusiasts from all over the country we can develop a long-term management plan which will provide better interpretation of the historical and cultural opportunities.

I hope my colleagues will support me in sponsoring this legislation. Congressman HANSEN has introduced similar legislation and I look forward to working with him and my friends on the Energy Committee to hold hearings and eventually move this bill through the Senate.

By Mr. VOINOVICH:

S.J. Res. 35. A joint resolution disapproving the Legalization of Marijuana for Medical Treatment Initiative of 1998; to the Committee on Governmental Affairs, pursuant to the order of section 602 of the District of Columbia Home Rule Act.

DISAPPROVING THE LEGALIZATION OF MARIJUANA FOR MEDICAL TREATMENT INITIATIVE OF 1998

Mr. VOINOVICH. Mr. President, I rise today to introduce a joint resolution that will prevent the implementation of an initiative in the District of Columbia that would allow the use of marijuana for medical treatment.

As many of my colleagues know, the voters of the District of Columbia passed a ballot initiative—Initiative 59—last November that would legalize marijuana use for ''medicinal'' purposes.

Supported by the Mayor and many elected officials in the District, Initiative 59 would permit marijuana use as a treatment for serious illness including ''HIV/AIDS, glaucoma, muscle spasms, and cancer.''

Because physicians are not allowed to prescribe marijuana under federal law, Initiative 59 would allow individuals to use marijuana based on a doctor's ''written or oral recommendation.'' The initiative would also allow the designation of up to four ''caregivers'' who would be able to cultivate, distribute and possess marijuana for the purpose of supplying an individual with marijuana for medicinal purposes.

Proponents of the D.C. initiative, and similar initiatives elsewhere in the country, have argued that marijuana is the only way that individuals can cope with the effects of chemotherapy and AIDS treatments.

However, according to the U.S. Drug Enforcement Administration (DEA), individuals who are using marijuana for AIDS, cancer or glaucoma may actually be doing damage to themselves:

AIDS: Scientific studies indicate marijuana damages the immune system, causing further peril to already weakened immune systems. HIV-positive marijuana smokers progress to full-blown AIDS twice as fast as non-smokers and have an increased incidence of bacterial pneumonia.

Cancer: Marijuana contains many cancer-causing substances, many of which are present in higher concentrations in marijuana than in tobacco.

Glaucoma: Marijuana does not prevent blindness due to glaucoma.

In addition, Dr. Donald R. Vereen, Jr., Deputy Director of the Office of National Drug Control Policy (commonly referred to as the office of the ''Drug Czar''), in an article titled, ''Is Medical Marijuana an Oxymoron?'' and printed in Physicians Weekly on February 1, 1999, stated:

No medical research has shown smoked marijuana to be safe, effective, or therapeutically superior to other substances. Synthetic tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana, has been available for fifteen years in pill form (Marinol) to treat HIV Wasting Syndrome and chemotherapy-induced nausea. A legal drug, Marinol is the real ''medical marijuana.'' It is available in measured doses and guaranteed purity without the adverse side-effects of smoking tars, hydrocarbons, and other combustibles. Furthermore, newer drugs like ondansetron and grenisetron work better than Marinol, as clinical practice has demonstrated.

Mr. President, I ask unanimous consent that the entire article by Dr. Vereen be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

In an attempt to prevent this initiative from going into effect, last October, Congress passed and the President signed into law the fiscal year 1999 D.C. Appropriations bill which included a provision that blocked the District government from releasing the vote results of Initiative 59.

The provision was challenged in court, and last month, the prohibition was overruled by a federal judge and the results were made public.

Meanwhile, as the battle over releasing the ballot figures was being fought, Congress re-emphasized its opposition to Initiative 59 in the fiscal year 2000 D.C. Appropriations bill by prohibiting the use of funds to ''enact or carry out any law, rule or regulation to legalize or otherwise reduce penalties associated with the possession use or distribution of any Schedule I substance under the Controlled Substances Act.''

Mr. President, under federal law, marijuana is a controlled substance, and as such, possession, use, sale or distribution is illegal and is subject to federal criminal sentences and/or fines. Possession of marijuana is a crime in the District as well, with the possibility of 6 months in jail and a $1,000 fine.

Congress merely sought to uphold current law by saying no to the implementation of Initiative 59, and no to the use of marijuana.

Nevertheless, the President vetoed the D.C. Appropriations bill last Tuesday, issuing a statement that stressed that Congress was ''prevent(ing) local residents from making their own decisions about local matters.''

However, there appears to be some confusion over the Administration's direction on such legalization initiatives.

Last Wednesday, before the House D.C. Appropriations Subcommittee, Dr. Donald R. Vereen, Jr. of the Drug Czar's office stated that:

The Administration has actively and consistently opposed marijuana legalization initiatives in all jurisdictions throughout the nation. Our steadfast opposition is based on the fact that: such electoral procedures undermine the medical-scientific process for establishing what is a safe and effective medicine; contradict federal regulations and laws; and in the Office of National Drug Control Policy's view, may be vehicles for the legalization of marijuana for recreational use.''

I refuse to believe that the President wants the American people to think that he is more concerned about not violating Home Rule than he is about upholding federal law, particularly when experts within the administration are opposed to legalization.

In a June 29th article in the Washington Post, Director of the Office of National Drug Control Policy, Barry McCaffrey stated that:

The term ''drug legalization'' has rightfully acquired pejorative connotations. Many supporters of this position have adopted the label ''harm reduction'' to soften the impact of an unpopular proposal that, if passed, would encourage greater availability and use of drugs—especially among children.

This past June, in testimony before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Donnie Marshall, Deputy Administrator of the Drug Enforcement Agency (DEA) stated ''I suspect that medical marijuana is merely the first tactical maneuver in an overall strategy that will lead to the eventual legalization of all drugs.'' He went on to say ''whether all drugs are eventually legalized or not, the practical outcome of legalizing even one, like marijuana, is to increase the amount of usage of all drugs.''

Indeed, according to the DEA, 12–17 year olds who smoke marijuana are 85 times more likely to use cocaine than those who do not. Sixty percent of adolescents who use marijuana before age 15 will later use cocaine. If these usage figures are occurring now, I shudder to think what they will be if we expand marijuana's usage.

Assistant Chief Brian Jordan of the D.C. Metropolitan Police Department testified last Wednesday before the House D.C. Appropriations Subcommittee that ''the Metropolitan Police Department opposes the legalization of marijuana. Marijuana remains the illegal drug of choice in the Nation's Capital, and crime and violence related to the illegal marijuana trafficking and abuse are widespread in many of our communities.''

According to D.C. government estimates, Washington currently has 65,000 drug addicts. There are 1,000 individuals on a drug treatment waiting list who are likely continuing to abuse drugs right now.

I believe the loose wording of the initiative—which again, would legalize an individual's right to possess, use, distribute or cultivate marijuana if ''recommended'' by a physician—would present an enforcement nightmare to police in the District of Columbia, and would serve as a de facto legalization of marijuana in D.C., increasing its prevalence and the number of addicts citywide.

In the simplest of terms, illegal drug use is wrong. The District government and the United States Government

should never condone it, regardless of the professed purpose.

That is why I am introducing this joint resolution. It's quite simple. It says that the Congress disapproves of the legalization of marijuana for medicinal purposes and prevents Initiative 59 from going into effect. Period.

It is identical to legislation that the House will likely take-up next week.

I agree with DEA Deputy Administrator Donnie Marshall that once society accepts that it's alright for individuals to smoke marijuana for, quote ''medical purposes'' unquote, we will start on the path towards greater social acceptance and usage of marijuana, which experts agree will lead to the use of harder drugs.

Mr. President, marijuana is an illegal drug according to federal, state and local laws. It would be unconscionable for the United States Congress not to exercise its Constitutional duty and prevent the District from going forward with this initiative no matter how well-intentioned the motive.

I urge my colleagues to join me in cosponsoring this resolution, and I urge its speedy adoption.

Mr. President, I ask unanimous consent to print the joint resolution in the RECORD.

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

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Legalization of Marijuana for Medical Treatment Initiative of 1998, approved by the electors of the District of Columbia on November 3, 1998, and transmitted to Congress by the Council pursuant to section 602(c) of the District of Columbia Home Rule Act.

EXHIBIT 1

[Physicians Weekly, Feb. 1, 1999]

IS MEDICAL MARIJUANA AN OXYMORON?

(By Dr. Donald Vereen Deputy Director, White House Office of National Drug Control Policy)

No medical research has shown smoked marijuana to be safe, effective, or therapeutically superior to other substances. Synthetic tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana, has been available for fifteen years in pill form (Marinol) to treat HIV Wasting Syndrome and chemotherapy-induced nausea. A legal drug, Marinol is the real ''medical marijuana.'' It is available in measured doses and guaranteed purity without the adverse side-effects of smoking tars, hydrocarbons, and other combustibles. Furthermore, newer drugs like ondansetron and grenisetron work better than Marinol, as clinical practice has demonstrated.

Objections about pills being difficult to swallow by nauseated patients are true for any antiemetic. If sufficient demand existed for an alternate delivery system, Marinol inhalants, suppositories, injections, or patches could be developed. Why isn't anyone clambering to make anti-nausea medications smokable? Why choose a substance and delivery system (smoking) that is more carcinogenic than tobacco when safer forms of the same drug are available? Patients deserve answers to these germane questions instead of being blind-sided by the ''medical marijuana'' drive.

The American Medical Association (AMA), American Cancer Society, National Multiple Sclerosis Association, American Academy of Ophthalmology, and National Eye Institute, among others, came out against ''medical marijuana'' initiatives as did former Surgeon General C. Everett Koop. Anecdotal support for smoked marijuana reminds me of the laetrile incident where a drug derived from apricot pits was believed to cure cancer. Scientific testing disproved such testaments. How do we know that testimonials touting marijuana as a wonder drug—on the part of patients under the influence of an intoxicant, no less!—may not simply demonstrate the placebo effect?

We shouldn't allow drugs to become publicly available without approval and regulation by the Food and Drug Administration (FDA) and National Institutes of Health (NIH). Such consumer protections has made our country one of the safest for medications. A political attempt to exploit human suffering to legalize an illicit drug is shameful and irresponsible. Voters should not be expected to decide which medicines are safe and effective. What other cancer treatments have been brought to the ballot box? Marijuana initiatives set a dangerous precedent. Decisions of this sort should be based on scientific proof, not popularity.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 63

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 74

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 469

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1139

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1375

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1375, a bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in acts of genocide and torture abroad.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 183

At the request of Mr. ASHCROFT, the names of the Senator from California

(Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 183, a resolution designating the week beginning on September 19, 1999, and ending on September 25, 1999, as National Home Education Week.

SENATE RESOLUTION 195—EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS (for himself and Mr. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, president of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the twentieth century; and

Whereas it shall also be in Dr. Wood's words, ''a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.'': Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

AMENDMENTS SUBMITTED

AIR TRANSPORTATION IMPROVEMENT ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 1891

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 82) to authorize appropriations for Federal Aviation Administration, and for other purposes; as follows:

[The amendment was not available for printing. It will appear in a future issue of the RECORD.]

GORTON (AND OTHERS) AMENDMENT NO. 1892

Mr. GORTON (for himself, Mr. ROCKEFELLER, Mr. GRASSLEY, Mr. HARKIN, and Mr. ASHCROFT) proposed an amendment to the bill, S. 82, supra; as follows:

Strike sections 506, 507, and 508 and insert the following:

SEC. 506. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) RULES THAT APPLY TO ALL SLOT EXEMPTION REQUESTS.—

(1) PROMPT CONSIDERATION OF REQUESTS.—Section 41714(i) is amended to read as follows:

''(i) 45-DAY APPLICATION PROCESS.—

''(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section, section 41717, or 41719 shall include—

''(A) the names of the airports to be served;

''(B) the times requested; and

''(C) such additional information as the Secretary may require.

''(2) ACTION ON REQUEST; FAILURE TO ACT.—Within 45 days after a slot exemption request under this section, section 41717, or section 41719 is received by the Secretary, the Secretary shall—

''(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

''(B) return the request to the applicant for additional information; or

''(C) deny the request and state the reasons for its denial.

''(3) 45-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns the request for additional information during the first 10 days after the request is filed, then the 45-day period shall be tolled until the date on which the additional information is filed with the Secretary.

''(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under subparagraph (2)(C) within the 45-day period beginning on the date it is received, excepting any days during which the 45-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 46th day after it was filed with the Secretary.''.

(2) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—Section 41714 is further amended by adding at the end the following:

''(j) EXEMPTIONS MAY NOT BE BOUGHT OR SOLD.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section, section 41717, or section 41719 may be bought or sold by the carrier to which it is granted.''.

(3) EQUAL TREATMENT OF AFFILIATED CARRIERS.—Section 41714, as amended by paragraph (2), is further amended by adding at the end thereof the following:

''(k) AFFILIATED CARRIERS.—For purposes of this section, section 41717, 41718, and 41719, the Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for the application of any provision of those sections regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.''.

(4) NEW ENTRANT SLOTS.—Section 41714(c) is amended—

(A) by striking ''(1) IN GENERAL.—'';

(B) by striking ''and the circumstances to be exceptional,''; and

(C) by striking paragraph (2).

(5) LIMITED INCUMBENT; REGIONAL JET.—Section 40102 is amended by—

(A) inserting after paragraph (28) the following:

''(28A) The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.''; and

(B) inserting after paragraph (37) the following:

''(37A) The term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.''.

(b) PHASE-OUT OF SLOT RULES.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41720 and 41721; and

(2) by inserting after section 41714 the following:

''§ 41715. Phase-out of slot rules at certain airports

''(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

''(1) after March 31, 2003, at Chicago O'Hare International Airport; and

''(2) after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.

''(b) FAA SAFETY AUTHORITY NOT COMPROMISED.—Nothing in subsection (a) affects the Federal Aviation Administration's authority for safety and the movement of air traffic.

(c) PRESERVATION OF EXISTING SERVICE.—Chapter 417, as amended by subsection (b), is amended by inserting after section 41715 the following:

''§ 41716. Preservation of certain existing slot-related air service

''An air carrier that provides air transportation of passenger from a high density airport (other than Ronald Reagan Washington National Airport) to a small hub airport or non-hub airport, or to an airport that is smaller than a small hub or non-hub airport, on or before the date of enactment of the Air Transportation Improvement Act pursuant to an exemption from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an airline conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 2 years (with respect to service from LaGuardia Airport or John F. Kennedy International Airport), or 4 years (with respect to service from Chicago O'Hare International Airport), after the date on which those requirements cease to apply to that high density airport unless—

''(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

''(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41720 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.''.

(d) SPECIAL RULES AFFECTING LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter 417, as amended by subsection (c), is amended by inserting after section 41716 the following:

''§ 41717. Interim slot rules at New York airports

''(a) IN GENERAL.—The Secretary of Transportation may, by order, grant exemptions

from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

''(1) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

''(2) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999.''.

(e) SPECIAL RULES AFFECTING CHICAGO O'HARE INTERNATIONAL AIRPORT.—

(1) NONSTOP REGIONAL JET, NEW ENTRANTS, AND LIMITED INCUMBENTS.—chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

''§ 41718. Interim application of slot rules at Chicago O'Hare International Airport

''(a) SLOT OPERATING WINDOW NARROWED.—Effective April 1, 2002, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:15 post meridiem at Chicago O'Hare International Airport.

''(b) NEW OR INCREASED SERVICE TO SMALLER AIRPORTS; NEW ENTRANTS.—

''(1) IN GENERAL.—Effective January 1, 2000, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to—

''(A) any air carrier for the provision of nonstop regional jet or turboprop air service between Chicago O'Hare International Airport and an airport with fewer than 2,000,000 annual enplanements (based on the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997) that is an airport not served by nonstop service, or not served by more than 1 carrier providing nonstop service, from Chicago O'Hare International Airport; or

''(B) a new entrant or limited incumbent air carrier for the provision of service to Chicago O'Hare International Airport.

''(2) NEW OR INCREASED SERVICE REQUIRED.—Paragraph (1)(A) applies only for the provision of—

''(A) air service to an airport to which the air carrier was not providing air service from Chicago O'Hare International Airport during the week of June 15, 1999; or

''(B) additional air service between Chicago O'Hare International Airport and any airport to which it provided air service during that week.

''(3) NEW ENTRANTS AND LIMITED INCUMBENTS.—Paragraph (1)(B) applies only for the provision of—

''(A) air service to an airport to which the air carrier was not providing air service from Chicago O'Hare International Airport during the week of June 15, 1999; or

''(B) additional air service between Chicago O'Hare International Airport and any airport to which it provided air service during that week.

''(c) STAGE 3 AIRCRAFT REQUIRED.—Subsection (a) does not apply to service by any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(d) DOT TO MONITOR FLIGHTS.—The Secretary of Transportation shall monitor flights under the authority provided by subsection (b) to ensure that any such flight meets the requirements of subsection (a). If the Secretary finds that an air carrier is operating a flight under the authority of subsection (b) that does meet those requirements the Secretary shall immediately terminate the air carrier's authority to operate that flight.

''(e) INTERNATIONAL SERVICE AT O'HARE AIRPORT.—The requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations shall be of no force and effect at O'Hare International Airport after March 31, 2000, with respect to any aircraft providing foreign air transportation. For a foreign air carrier domiciled in a country to which a United States air carrier provides nonstop service from the United States, the preceding sentence applies to that foreign air carrier only if the country in which that carrier is domiciled provides reciprocal airport access for United States air carriers.''.

(2) PROHIBITION OF SLOT WITHDRAWS.—

(A) IN GENERAL.—Section 41714(b) is amended—

(i) by inserting ''at Chicago O'Hare International Airport'' after ''a slot'' in paragraph (2); and

(ii) by striking ''if the withdrawal'' and all that follows before the period in paragraph (2).

(3) CONVERSIONS.—Section 41714(b) is amended by striking paragraph (4) and inserting the following:

''(4) CONVERSIONS OF SLOTS.—Effective April 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.''.

(4) IMMEDIATE RETURN OF WITHDRAWN SLOTS.—The Secretary of Transportation shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, or the preceding provision of law, before the date of enactment of this Act, to that carrier no later than January 1, 2000.

(5) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the date of enactment of the Air Transportation Improvement Act on the impact of the changes resulting from the implementation of the Air Transportation Improvement Act on safety, the environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(f) SPECIAL RULES AFFECTING REAGAN WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Chapter 417, as amended by subsection (e), is amended by inserting after section 41718 the following:

''§ 41719. Special Rules for Ronald Reagan Washington National Airport

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition by new entrant air carriers or in multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of this title; and

''(4) not result in meaningfully increased travel delays.

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for service to airports that were designated as medium-hub or smaller airports in the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997 within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

''(1) by new entrant and limited incumbent air carriers;

''(2) to communities without existing service to Ronald Reagan Washington National Airport;

''(3) to small communities; or

''(4) that will provide competitive service on a monopoly nonstop route to Ronald Reagan Washington National Airport.

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.

''(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

''(A) will result in 12 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

''(B) will result in 12 additional daily air carrier slot exemptions at such airport for service within the perimeter; and

''(C) will not result in additional daily slot exemptions for service to any within-the-perimeter airport that was designated as a large-hub airport in the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

''(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of the Air Transportation Improvement Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

''(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.''.

(2) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

''(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.''.

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority

shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(ii) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(B) WAIVER.—The Secretary of Transportation may waive the requirements of subparagraph (A) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(C) SUNSET.—This paragraph shall cease to be in effect 5 years after the date of enactment of this Act if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(4) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization of Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

(g) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

''(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

''(A) Chicago O'Hare International Airport;

''(B) LaGuardia Airport;

''(C) John F. Kennedy International Airport; and

''(D) Ronald Reagan Washington National Airport.''.

(h) STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(i) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (4).

(2) The chapter analysis for subchapter I of chapter 417 is amended—

(A) redesignating the items relating to sections 41715 and 41716 as relating to sections 41720 and 41721, respectively; and

(B) by inserting after the item relating to section 41714 the following:

''41715. Phase-out of slot rules at certain airports

''41716. Preservation of certain existing slot-related air service

''41717. Interim slot rules at New York airports

''41718. Interim application of slot rules at Chicago O'Hare International Airport

''41719. Special Rules for Ronald Reagan Washington National Airport.''.

ROCKFELLER AMENDMENT NO. 1893

Mr. GORTON (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

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.—

''(1) 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 for the Federal Aviation Administration 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

''(iii) training and education.

''(C) BUDGET. —To—

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

'(i) 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 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 co-operation 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 traveling 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 conduct 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 that operates a public airport, 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 consolidation 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 projects' 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 organization 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 AMENDMENTS.—

''(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.''.

BRYAN AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place, add the following new section:

SEC. .—

Any regulations based upon the ''Evaluation Methodology for Air Tour Operations Over Grand Canyon National Park'' adopted by the National Park Service on July 14, 1999 shall not be implemented until 90 days after the National Park Service has provided to Congress a report describing 1) the reasonable scientific basis for such evaluation methodology and 2) the peer review process used to validate such evaluation methodology.

INOUYE AMENDMENT NO. 1895

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the end of title IV, insert the following new section:

SEC. 441. CARRY-ON BAGGAGE.

(a) DEFINITIONS.—In this section:

(1) AIRPLANE.—The term ''airplane'' means an airplane, as that term is used in section 121.589 of title 14, Code of Federal Regulations.

(2) CARRY-ON BAGGAGE.—The term ''carry-on baggage'' does not include child safety seats or assistive devices used by disabled passengers.

(3) CERTIFICATE HOLDER.—The term ''certificate holder'' means a certificate holder, as that term is used in section 121.589 of title 14, Code of Federal Regulations.

(4) PASSENGER.—The term ''passenger'' includes any child under the age of 2 who boards an airplane of a certificate holder, without regard to whether a ticket for air transportation was purchased for the child.

(b) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall promulgate revised regulations to modify the regulations contained in section 121.589 of title 14, Code of Federal Regulations, to establish a uniform standard for certificate holders governing—

(1) the number of pieces of carry-on baggage allowed per passenger;

(2) the dimensions of each allowable carry-on baggage; and

(3) a definition of carry-on baggage.

REID (AND FRIST) AMENDMENT NO. 1896

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the Bill, S. 82, supra; as follows:

At the appropriate place, add the following new title:

TITLE ___—PENALTIES FOR UNRULY PASSENGERS

SEC. ___01. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

"§ 46317. Interference with cabin or flight crew

''(a) GENERAL RULE.—

''(1) IN GENERAL.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

''(2) ADDITIONAL PENALTIES.—In addition or as an alternative to the penalty under paragraph (1), the Secretary of Transportation (referred to in this section as the 'Secretary') may prohibit the individual from flying as a passenger on an aircraft used to provide air transportation for a period of not more than 1 year.

''(b) REGULATIONS.—The Secretary shall issue regulations to carry out paragraph (2) of subsection (a), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.

''(c) COMPROMISE AND SETOFF.—

''(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

''(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 is amended by adding at the end the following:

''46317. Interference with cabin or flight crew.''.

SEC. ___02. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102.

(3) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

ABRAHAM AMENDMENT NO. 1897

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrumental landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT. States Code, section 4711(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 per cent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airports compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports.''

BAUCUS AMENDMENT NO. 1898

Mr. BAUCUS proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . REPORTING OF REASONS FOR DELAYS OR CANCELLATIONS IN AIR FLIGHTS.

In addition to the information required to be included in each report filed with the Office of Airline Information of the Department of Transportation under section 234.4 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act),

each air carrier subject to the reporting requirement shall specify the reasons for delays or cancellations in all air flights to and from all airports for which the carrier provides service during the period covered by the airport.

LEVIN (AND ABRAHAM) AMENDMENT NO. 1899

Mr. ROCKEFELLER (for Mr. LEVIN (for himself and Mr. ABRAHAM)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . DESIGNATION OF GENERAL AVIATION AIRPORT.

Section 47118 of title 49, United States Code, is amended—

(1) in the second sentence of subsection (a), by striking ''12'' and inserting ''15''; and

(2) by adding at the end the following new subsection:

''(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, at least one of the airports designated under subsection (a) may be a general aviation airport that is a former military installation closed or realigned under a law described in subsection (a)(1).''.

ROBB (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. ROBB (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CURFEW.

Notwithstanding any other provision of law, any exemptions granted to air carriers under this Act may not result in additional operations at Ronald Reagan Washington National Airport between the hours of 10:00 p.m. and 7:00 a.m.

ROBB (AND OTHERS) AMENDMENTS NOS. 1901–1902

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI) submitted two amendments intended to be proposed by them to the bill, S. 82, supra; as follows:

AMENDMENT NO. 1901

At the appropriate place, insert the following new title:

TITLE ___—________

SEC. ___01. GOOD NEIGHBORS POLICY.

(a) PUBLIC DISCLOSURE OF NOISE MITIGATION EFFORTS BY AIR CARRIERS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall collect and publish information provided by air carriers regarding their operating practices that encourage their pilots to follow the Federal Aviation Administration's operating guidelines on noise abatement.

(b) SAFETY FIRST.—The Secretary shall take such action as is necessary to ensure that noise abatement efforts do not threaten aviation safety.

(c) PROTECTION OF PROPRIETARY INFORMATION.—In publishing information required by this section, the Secretary shall take such action as is necessary to prevent the disclosure of any air carrier's proprietary information.

(d) NO MANDATE.—Nothing in this section shall be construed to mandate, or to permit the Secretary to mandate, the use of noise abatement settings by pilots.

SEC. ___02. GAO REVIEW OF AIRCRAFT ENGINE NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on regulations and activities of the Federal Aviation Administration in the area of aircraft engine noise assessment. The study shall include a review of—

(1) the consistency of noise assessment techniques across different aircraft models and aircraft engines, and with varying weight and thrust settings; and

(2) a comparison of testing procedures used for unmodified engines and engines with hush kits or other quieting devices.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to ensure consistent measurement of aircraft engine noise.

SEC. ___03. GAO REVIEW OF FAA COMMUNITY NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the regulations and activities of the Federal Aviation Administration in the area of noise assessment in communities near airports. The study shall include a review of whether the noise assessment practices of the Federal Aviation Administration fairly and accurately reflect the burden of noise on communities.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures to improve the assessment of airport noise in communities near airports.

AMENDMENT NO. 1902

At the appropriate place, insert the following new section:

SEC. ___. LIMITATIONS ON EXEMPTIONS.

Notwithstanding any other provision of law, no additional operations may be granted for Ronald Reagan Washington National Airport above the level that existed on January 1, 1999.

BAUCUS AMENDMENT NO. 1903

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. AUDIT AND INVESTIGATION OF SUFFICIENCY OF INFORMATION REPORTED TO THE DEPARTMENT OF TRANSPORTATION ON DELAYS AND CANCELLATIONS OF AIR FLIGHTS.

(a) AUDIT AND INVESTIGATION.—The Inspector General of the Department of Transportation shall conduct an audit and investigation of the sufficiency of information transmitted by air carriers to the Department with respect to delays or cancellations in air flights caused by mechanical failure of aircraft, with special attention to the sufficiency of information on the reasons for such delays or cancellations.

(b) REPORT.—Not later than ___days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit a report to Congress setting forth the findings of the audit and investigation conducted under subsection (a).

SNOWE AMENDMENT NO. 1904

(Ordered to lie on the table.)

Ms. SNOWE submittted an amendment intended to be proposed by her to the bill, S. 82, supra; as follows:

At the end of title V of the Manager's substitute amendment, add the following:

SEC. ___. REQUIREMENT TO ENHANCE COMPETITIVENESS OF SLOT EXEMPTIONS FOR REGIONAL JET AIR SERVICE AND NEW ENTRANT AIR CARRIERS AT CERTAIN HIGH DENSITY TRAFFIC AIRPORTS.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by sections 507 and 508, is amended by adding at the end thereof the following:

''§ 41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports

''In granting slot exemptions for nonstop regional jet air service and new entrant air carriers under this subchapter to John F. Kennedy International Airport, and La Guardia Airport, the Secretary of Transportation shall require the Federal Aviation Administration to provide commercially reasonable times to takeoffs and landings of air flights conducted under those exemptions.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by this title, is amended by adding at the end thereof the following:

''41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports.''.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 6, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss The Science of Biotechnology and its Potential Applications to Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 7, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss The Regulation of Products of Biotechnology and New Challenges Faced By Farmers and Food Business.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public some changes to the agenda for the hearing that is scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources on Thursday, October 14, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county, has been deleted from the agenda; S. 1343, a bill to direct the Secretary of Agriculture to convey certain

National Forest land to Elko County, Nevada, for continued use as a cemetery, has been added to the agenda.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

• Mr. HUTCHINSON. Mr. President, the Communist party celebrated the fiftieth anniversary of the People's Republic of China on October 1. Unfortunately, many Chinese people had little reason to celebrate. Indeed, this was not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade of Yenan, where the party was headquartered, and Mao Tse-tung soundly crushed challenges to his power, to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolution, during which millions were murdered or died in confinement; to the massacre at Tiananmen square just ten years ago—the Communist party under Mao Tse-tung and Deng Xiaoping sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party under Jiang Zemin is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese government continues to imprison members of the Chinese Democracy Party. In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge from society those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-one Christian house church members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am concerned that eight of these House church leaders may face execution if they are labeled and treated as leaders of a cult. Let me say clearly and unequivocally that the eyes of the international community are watching. I hope that these peaceful people will be released.

In the months leading up to this fiftieth anniversary celebration, everything and everyone were swept aside to cast a glamorous light on the Communist party. But the reality was quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people were rounded up and forced into Custody and Repatriation centers across the country. There they were beaten, they were given poor food in unsanitary conditions, and they had to pay rent.

In fact, only 500,000 carefully selected citizens were allowed to participate in the celebration in Beijing. Non-Beijing residents could not enter the city and migrant workers were sent home. They did not see the Communist Party in all its glory, as it displayed the DF–31 intercontinental ballistic missile and other arms, nor did they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly did not want to celebrate, were forced to participate under threat of losing their pay or their pensions. Mr. President, this was a celebration of the party, not the people.

But this gilded celebration will not obscure the corrosion beneath. We must recognize the nature of this corrupt regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must face reality when we deal with the Chinese government.

So when Time Warner chairman Gerald Levin courts President Jiang Zemin even when Time Magazine's China issue is banned, when our top executives are silent on human rights, when we put profit over principle, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, ''. . . we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion.''

It is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of a government accountable to the people. I hope that the self-congratulatory shouts of the Communist party will be drowned out by the voices of a free people.•

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Public Law 104–1, announces the joint appointment of the following individuals as members of the Board of Directors of the Office of Compliance: Alan V. Friedman, of California; Susan B. Robfogel, of New York; and Barbara Childs Wallace, of Mississippi.

ORDERS FOR TUESDAY, OCTOBER 5, 1999

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, October 5. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 82, the Federal aviation authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will resume consideration of the pending amendments to the FAA bill at 9:30 a.m. on Tuesday.

It is hoped those amendments can be debated and disposed of by midmorning so Senators that have amendments can work with the bill managers on a time to offer their amendments. Senators should be aware that rollcall votes are possible Tuesday prior to the 12:30 recess. By previous consent, first-degree amendments to the bill must be filed by 10 a.m. tomorrow. It is the intention of the bill managers to complete action on the bill by tomorrow evening.

As a reminder, there will be three stacked votes on nominations at 2:15 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, October 5, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 4, 1999:

DEPARTMENT OF DEFENSE

ALPHONSO MALDON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FREDERICK F. Y. PANG, RESIGNED.

JOHN K. VERONEAU, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE SANDRA KAPLAN STUART.

INTERNATIONAL ATOMIC ENERGY AGENCY

BILL RICHARDSON, OF NEW MEXICO, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.