

make more money. They are going to generate more jobs. It is going to help the economy and, I believe, actually spend it better than how the Government would spend it.

He also cuts the capital gains rate in half. Some people disagree with that. I believe we have at least a strong majority vote in the Congress to do it, because if you reduce the tax on financial transactions, you are going to have more. Some countries do not even tax financial transactions.

I think there are several things in Senator Dole's proposal that will stimulate the economy, that will balance the budget. He is also calling for a constitutional amendment to balance the budget. So he is sincere about doing it. I think he will do it. In spite of the fact that maybe one or two of his predecessors did not do what they said they were going to do, did not follow through, did not tell the truth to the American people, I believe Senator Dole is telling the truth. He is a man of his word. We will cut taxes. We will balance the budget. We will pass a constitutional amendment to balance the budget. I think that is significant, it is positive, and it will help the American economy and help American families as well.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I do not want to cut off anybody, but I am trying to call up a bill that is a major bill. I do not want to block the Senator.

Does the Senator have a brief statement he wants to make?

Mr. INHOFE. Yes. I will be very brief.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

#### EXPERIENCE IN INCREASING REVENUES

Mr. INHOFE. Mr. President, we have had three experiences in this century of increasing revenues: One was in the 1920's, one in the 1960's, and then in the 1980's. All three times it was a result, economists had to agree, of the fact that we reduced taxes and gave people more freedom. As a matter of fact, it was not a Republican but it was a Democrat, it was President Kennedy back in the 1960's, who observed that we have to increase revenues and the best way to do that is to reduce taxes. Of course, history showed that it did work. It worked again in the 1980's when we went from a total expenditure to run Government in 1980 of \$517 billion to \$1.03 trillion in 1990, a 10-year period in which we had the most dramatic decreases in taxes.

So I would certainly agree with the man who I believe will be the next President of the United States that the best way to get this country back on the right track is to reduce regulation, reduce taxes, and give people more individual freedoms.

I yield the floor.

#### FEDERAL AVIATION ADMINISTRATION PROGRAMS REAUTHORIZATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 539, S. 994, the FAA reauthorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 994) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, I rise in support of S. 994, the Federal Aviation Authorization Act of 1996. Today, I am offering a manager's amendment to the bill as originally considered by the Commerce Committee which includes a variety of critically needed improvements to address important safety and security issues affecting airports, airlines, and the travelling public.

This legislation is a comprehensive effort to deal with virtually all aspects of our Nation's air transportation system including: funding issues, security, the replacement of aging air traffic control equipment, and infrastructure development.

Mr. President, first and foremost, we must act to reauthorize the programs of the FAA before we leave this year or the FAA will be prohibited from issuing grants to airports for needed security and safety projects. In light of recent air transportation tragedies, we must act now to ensure this vital revenue stream remains available.

As I have indicated, there are dozens of important provisions in this legislation, but Mr. President, I would like to focus my remarks on three main areas.

First, aviation safety. Air transportation in this country is safe and remains the safest form of travel, however, we can and we must do more. This legislation facilitates the replacement of outdated air traffic control equipment. Importantly, it also puts in place a mechanism to evaluate long-term funding needs at the FAA. Much work has been done by Senator MCCAIN, HOLLINGS, FORD, STEVENS, and others, as well as the administration, and I want to congratulate them and thank them for their efforts in this regard. This effort is critically important given the projected growth in air travel over the next several years. Ensuring adequate funding in a time of increasing passenger traffic and diminishing Federal resources is a difficult issue and this legislation takes important steps forward.

A second area I want to highlight is aviation security. This legislation contains numerous provisions designed to

improve security at our Nation's airlines and airports. Here again, I would like to thank a bipartisan group of Senators for their efforts to develop comprehensive recommendations for the bill. Senators HUTCHINSON and LAUTENBERG deserve special thanks for their tireless work in this area over the past several months. The measure before us today incorporates many of the suggestions from the House-passed antiterrorism bill, as well as new recommendations from the Gore Commission of which I am a member. Passage of this bill will improve aviation security by: spending deployment of the latest explosive detection systems; enhancing passenger screening processes; requiring criminal history record checks on screeners; requiring regular joint threat assessments and testing baggage match procedures.

The third and final area I wish to highlight Mr. President, is how this legislation will help small community air service and small airports, such as those in my State of South Dakota. The legislation before us today reauthorizes the Essential Air Service Program at the level of \$50 million. This program is vital to States such as South Dakota and others. The bill also directs the Secretary of Transportation to conduct a comprehensive study on rural air service and fares. For too long, small communities have been forced to endure higher fares as a result of inadequate competition and the Department of Transportation will now look into this issue as a result of this bill. This follows on the important work that I instructed the General Accounting Office to initiate last year. And finally, in this legislation, we have taken steps to protect smaller airports in the event of funding downturns in the appropriations process.

The legislation guarantees that if airport funding were to be significantly reduced, smaller airports would not be disadvantaged disproportionately. As my colleagues know, larger facilities have a number of funding options available to them, including access to the bond communities, PFC, rates, and charges and the like. Smaller airports do not have the same options. I am pleased that we have developed a safeguard for smaller airports without significant modifications to the existing allocation formulas, while protecting existing letters of intent for multiyear funding projects at larger airports.

In summary, Mr. President, this legislation represents the culmination of over a year's work by the Commerce Committee and other interested Senators. It addresses our most pressing aviation needs—safety, security, and funding.

I urge all of my colleagues to support passage of S. 994. We cannot adjourn for the year without taking final action on this important legislation. If we fail to act, the FAA's hands will be tied and they will be unable to address needed security and safety issues in every State in the Nation.

I should pay special tribute to the chairman and ranking member of the Aviation Subcommittee, Senators McCAIN and FORD, who have done so much fine work on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have a longer statement I will give in a minute, but I want to thank the distinguished chairman of the committee, Senator PRESSLER, who made possible this legislation through his leadership, through the efforts of his staff, whose names will be mentioned later.

I say to Senator PRESSLER, I do not believe this legislation would be before us today without your leadership. We look forward to your active participation and assistance as we move this legislation through to its completion, hopefully by tomorrow. I extend my deepest appreciation to Senator PRESSLER.

Although we have not completed this legislation yet, and I will save my remarks about my friend from Kentucky, with whom, for 10 years now, I have had the opportunity of working, the Senator from Kentucky has proven again that the only way you achieve legislative successes are through bipartisan efforts, not only working together on both sides of the aisle but with the administration. There are many people, including the Secretary of Transportation, Mr. Peña, and the FAA Administrator, and especially the Deputy Administrator, Linda Daschle, and their hard working staff.

I ask my friend from Kentucky if he would like to proceed with our opening statements, or would he like to go directly to the amendments that are pending?

Mr. FORD. I would say to my friend that I will have a very short opening statement. I think we can encourage our colleagues, if they have any amendments that have not been taken care of in the managers' amendment. I think many of those have already been taken care of. They will be in the managers' amendment. So, for all practical purposes, I would be more than pleased to see if any of my colleagues have any amendments they would like to put on, because, at some point tonight, I think the chairman of the subcommittee will want to get a finite list of any amendments that are not taken care of in the managers' amendment, or are agreed to or voted on tonight.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. I would say to the Senator from Kentucky, I believe it is the wishes of the majority leader and the Democratic leader to get a finite list, unanimous-consent agreement on that, and have whatever votes are necessary sometime tomorrow morning. So I, like the Senator from Kentucky, urge my colleagues who have additional amendments to those that we already have to come over to propose those, propound

those amendments, and let us act on them.

Mr. FORD. Mr. President, S. 1994 authorizes the programs of the FAA for 1 year. The bill must pass because it is an authorization bill. The FAA cannot issue any airport grants unless this bill is passed. Under S. 1994, the FAA would spend approximately \$35 million more on small airports for fiscal year 1997 than was spent in fiscal year 1996. I believe the chairman of the committee, Senator PRESSLER, noted that was one of the things he felt was so important in S. 1994.

The House has passed its FAA reauthorization bill. That is H.R. 3539. They did that last week. So it is incumbent upon us to get our bill out so we can go to conference and have the bill back to be presented to both the House and the Senate as soon as possible.

S. 1994 also contains a title that addresses FAA reform, the long-term issues relating to how much money FAA needs, and how to raise the funds. A task force will review these issues and work with the Secretary of Transportation on developing legislation that will be submitted to Congress for review. We have no expedited procedures here, so what we are saying is that this task force will get it together with the advice and counsel of the Secretary of Transportation, and that package is to be submitted to Congress for our review or support or whatever it might be. So I think it is real important—very important that we get this out.

The structure of the FAA would change slightly—and I underscore “slightly”—making it more independent of oversight by the Secretary of Transportation in the safety regulatory arena.

Finally, the bill includes a title concerning aviation security and covers many of the issues that Senator PRESSLER said, as a member of the Gore Commission, that they recommended. These items are generally consistent with the Gore Commission's recommendation.

The bill also authorizes the collection of up to \$100 million in overflight fees, fees charged to foreign air carriers flying through our air traffic control system. Some of this money could help pay for the essential air service programs that are so important to less populated areas.

Mr. President, I might say, one of the reasons this is put in here is that other countries charge us overflight fees. We have never done that. So I do not think there could be any retribution of any kind if we add those fees, because we will be doing the same thing they are doing. They are using our system, they are flying over this country in a safe manner, and therefore we charge them a fee for our services.

So I hope my colleagues are listening. I hope if my colleagues have any amendments that they want us to consider as they relate to S. 1994, that they come forward and we be able to

put those on the list. Those Senators who might be concerned if their amendment has been included in the managers' amendments or not, we will be more than pleased to visit with them right away so we can assure our colleagues that their amendment has been taken care of.

So, Mr. President, I look forward to moving this legislation forward. I look forward to cooperating with my friend from Arizona, Senator McCAIN, and that we will pass a piece of legislation that will be acceptable and that we will be proud of in the final results.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this collaborative work has resulted in legislation that will benefit everyone who uses this country's air transportation system, including air travelers, airports of all sizes, pilots and other airline and airport employees, the Federal Aviation Administration, major, regional, and short-haul air carriers, general aviation pilots and manufacturers, and all others in the aviation industry. This bill will do the following:

Ensure that the FAA and our Nation's airports will be adequately funded by reauthorizing key FAA programs, including AIP, for fiscal year 1997;

Ensure that the FAA has the resources it needs to improve airport and airline security in the near term;

Direct the National Transportation Safety Board to establish a program to provide for adequate notification of and advocacy services for the families of victims of aircraft accidents;

Enhance airline and air travelers' safety by requiring airlines to share employment and performance records before hiring new pilots;

Strengthen existing laws prohibiting airport revenue diversion, and provide DOT and the FAA with the tools they need to enforce Federal laws prohibiting revenue diversion;

Make needed changes relating to MWAA, which is Metropolitan Washington Airport Authority; and, most important, provide for thorough reform, including long-term funding reform, of the FAA.

Each of the elements of S. 1994 is essential to fulfilling Congress' responsibility to improving our country's air transportation system. Clearly, Congress, the White House, DOT, the FAA, and others throughout the aviation industry have been under close scrutiny regarding the state of the U.S. air transportation system. The traveling public has told us they are worried about the safety and security of U.S. airports and airlines, and the ability of the Government to alleviate these concerns. Recent tragic events suggest that this apprehension is justified, and we have been strongly encouraged to correct the problems in one air transportation system. I believe that the legislation we are considering today will go a long way toward making the system safer and better in every way.

I would like to discuss briefly the importance of addressing and resolving the FAA's funding problems. I have long been a strong supporter of comprehensive FAA reform, which includes helping to create a more autonomous and accountable FAA, giving the FAA flexibility in personnel, procurement, and regulatory matters, and ensuring that the FAA has a long-term, user fee based funding system that considers the FAA's costs of providing services, increases the efficiency with which the FAA provides its services, and enhances the safety of the U.S. air transportation system.

Although S. 1994 includes an FAA reform package that I fully support and that encompasses several elements that the FAA needs to resolve its problems, the legislation does not mandate a user fee based on long-term funding system for the FAA. I still believe that a user fee system would be the most equitable and efficient funding system for the FAA. Yet, after working and consulting with many others in Congress, the administration, and the aviation industry, this legislation instead sets up a task force, which will study and recommend to Congress the best funding system for the agency. I am pleased that we are taking this critical step today toward achieving long-needed, comprehensive FAA reform.

I would also like to address the safety and security provisions in this bill. We all know that the traveling public is worried about their safety when they fly. Provisions in this legislation were developed to respond quickly and precisely to concerns we have heard in first-hand conversations with those who use our Nation's airports and airlines.

In specific, to assure air travelers and other users of our air transportation system that safety is paramount, this bill requires the FAA to study and report to Congress on whether certain air carrier security responsibilities should be transferred to or shared with airports or the Federal Government; requires the NTSB to develop a program to provide family advocacy services following commercial aircraft accidents; requires NTSB and the FAA to work together to develop a system to classify aircraft accident and safety data maintained by the NTSB, and report to Congress on the effects of publishing such data; ensures that the FAA gives high priority to implement a fully enhanced safety performance analysis system, including automated surveillance; requires the FAA to conduct a study on weapons and explosive detection technology. And by the way, Mr. President, I believe that technology is out there and, with the proper funding in research and development, we can develop it, I have no doubt about that. Improves standards for airport security passenger, baggage, and property screeners, including requiring criminal history records checks; requires the FAA to facilitate quick deployment of commercially

available explosive detection equipment; contains a sense of the Senate on the development of effective passenger profiling programs; authorizes airports to use project grant money and PFC's for airport security programs; establishes aviation security liaisons at key Federal agencies; requires the FAA and FBI to carry out joint threat and vulnerability assessments every 3 years; directs the FAA to set up a pilot program to determine whether baggage match requirements would enhance safety and security; requires all air carriers and airports to conduct periodic vulnerability assessments of security systems; and facilitates the transfer of pilot employment records between employing airlines so that passenger safety is not compromised.

This legislation addresses two other critical aviation issues. First, it contains provisions intended to reverse the disturbing trend of illegal diversion of airport revenues. To ensure that airport revenues are used only for airport purposes, this legislation would expand the prohibition on revenue diversion to cover more instances of diversion. It also would establish clear penalties and stronger mechanisms to enforce Federal laws prohibiting revenue diversion. In addition, the bill would impose additional reporting requirements so that illegal revenue diversion is easily identified and verified.

Finally, Mr. President, this legislation makes certain changes to the Metropolitan Washington Airports Authority required following recent Federal court rulings. In specific, the bill abolishes the MWAA Board of Review, and increases the number of Presidentially-appointed members of the MWAA Board of Directors. It also conveys the sense of the Senate that the MWAA should not provide free, reserved parking areas at either Washington National Airport or Washington Dulles International Airport for Members of Congress and other Government officials, or diplomats.

Mr. President, the recent horrible aircraft accidents, and continuing reports of power outages and equipment failures in our air traffic control centers, have raised questions about the safety of our Nation's air transportation system and the effectiveness of the Federal Government in safeguarding the traveling public. We must do our part to reassure the traveling public that we have the world's safest air transportation system. This comprehensive legislation will go a long way in reassuring the public that the system is safe, and ensure the FAA will have a stable, predictable, and sufficient funding stream for the long term.

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. REID. 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. REID. Mr. President, at an appropriate time during the proceedings of this legislation, I will offer an amendment.

We live in a world that is increasingly unstable and more dangerous each day. Unfortunately, the origins of most of this danger are the nations around the world that export its violence and its terrorism.

This world is full of various cultures. Many diametrically differ from each other, but no clash of ideals and societies justifies state-sponsored terrorism and aggression.

The resolution unequivocally notifies the world that the United States will not tolerate state criminal activity against American citizens and their property. The amendment that I will offer will outline this in some detail.

Mr. President, those of us who serve in this body fly all the time, so perhaps because of that we recognize every time there is a TWA flight 800 or Pan-American, we cannot only see ourselves, but our families, in these aircraft that are so treacherously destroyed.

The resolution that I will offer warns the world that the United States will not accept in the slightest degree any assault on its citizens by another nation. The resolution that I will offer will convey a sense of the U.S. Senate that any state-sponsored condoned hostilities toward Americans will in fact be an act of war and that we should strongly consider that an act of war.

Mr. President, this principle applies to any act of hostility, including but not limited to airplanes that are hijacked or destroyed in the skies, to the hostage taking of American citizens living overseas and to the destruction of buildings in which Americans reside, either on American soil or otherwise.

The United States does not go to war against common criminals, but if a nation is going to plan and organize the aggression, assist in the execution of terrorism or condone the hostility by hiding the terrorists, then there will be a consideration of a state of war between America and that nation.

Mr. President, it is a responsible response to an aggressive act by a foreign state. The existence of these acts is itself, I believe, a declaration that they have no concern for human safety, of life, and that we should strongly consider this to be an act of war.

I hope that it will be a deterrent to continued terrorist activity, bringing down on a hostile government many numerous negative consequences, such as economic warfare, that is, affecting the ability of the country to obtain loans. No government in the world today can afford to have their credit cut off or their borrowing power removed.

Second, causing neutral nations to quit trading or doing business in a terrorist country is something we should consider would exist. If there is risk to

trading with a country who exports violence and upon whom there has been or is considered a declaration of war, then neutral nations will cease trading with these venues of violence.

Increasing insurance rates for the terrorist-sponsored government. Any nation that sponsors terrorism itself is at risk of violent retaliation, and consequently will see their insurance rates, which countries depend on in this modern world, as a detriment to their doing these acts of violence.

What is a state of war? Among other things, the first response that comes to mind, of course, is a military response, such as the one that President Reagan initiated against Libya. The military power of the United States is well known and respected throughout the world, and is a principal option we would have.

Additionally, of course, naval blockades are an option, though less dramatic and violent than a full military response. Mr. President, naval blockades have been used in recent times, particularly in Cuba, and in other nations whose reliance on ports and waterways are fundamental to their economy and their way of life.

A third form of response could be an economic response, in effect, economic warfare that engages a variety of sanctions against that nation's economy. This could range from a total embargo, to dramatic tariffs, to a removal of the most favored nation status. This response could vary with the resistance of the nation concerned.

I discuss these options of retaliation to clarify that this sense-of-the-Senate resolution is not necessarily saying, as we did during the Vietnam conflict, that we will, in effect, try to bomb them back to the Stone Age—nothing to that effect. Rather, we will take the responsible, firm actions necessary in a state of war to respond to state-sponsored terrorism.

To declare a state of war under such circumstances is well within the norm of international war and even historical precedent. The War of 1812 started because American sailors were being taken and impressed into the British Navy. The British Government declared war against the Barbary pirates who terrorized the American coastline. Of course, there was the threat of war by Theodore Roosevelt against the Moroccan Government over the kidnapping of an American family.

But even if it were not preceded in history, by the examples I have given, we must recognize the changing world in which terrorists are government supported, and that fanatical leaders of nations are willing to terrorize the lives of innocent people.

So, Mr. President, this resolution that I will offer at some subsequent time in these proceedings would send a clear, unequivocal message, both abroad and to our own communities and States, by saying that the American Government will protect its citizens when other nations sanction the

assault, killing, and terrorizing of our citizens, that we will retaliate.

At the appropriate time, Mr. President, I will urge my colleagues to support this sense-of-the-Senate resolution that would articulate clearly the gravity with which we consider the terrorism that has been exported and is being exported by foreign nations.

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

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

#### ALLEGHENY COUNTY AIRPORT PRIVATIZATION

Mr. SPECTER. Mr. President, I met recently with County Commissioners Larry Dunn and Bob Cranmer, who are very interested in the economic development that could be generated from privatizing Allegheny County Airport, a general aviation airport which has not had commercial passenger service since 1956. During my visit to the airport on September 9, 1996, I again heard of the strong local interest in privatization, which the county has estimated could generate as much as \$20 million in business growth in the Monongahela River Valley, an area hurt in recent years by severe unemployment.

I am advised that Federal law and regulations are the principal obstacles to privatization of airports. The House FAA reauthorization bill contains a provision allowing for the sale or long-term lease, with the approval of the FAA, of up to six airports, of which one must be a general aviation airport or similar airport not in commercial service, such as Allegheny County Airport. The Senate bill we are considering today does not contain language authorizing such a pilot program, but does provide for a report to the Secretary by an independent task force that will consider innovative financing mechanisms.

Upon this state of the record, and as a member of the Transportation Appropriations Subcommittee, I believe that for Allegheny County Airport to realize its fullest potential, private investment is crucial. I would ask my distinguished colleagues, the chairmen of the Aviation Subcommittee and the full Commerce Committee, whether the Allegheny County Airport is the type of airport in which privatization should be facilitated by Congress?

Mr. MCCAIN. As my good friend, the senior Senator from Pennsylvania knows, I have been reluctant to support legislation in this bill directing the agency to establish a pilot program on airport privatization, particularly because of the revenue diversion issue. However, if there is a legislative effort to facilitate privatization, either as a result of an independent task force recommendation, as provided for in sec-

tion 674, or as a result of subsequent conference negotiations on general aviation privatization with the House of Representatives, I could support privatization as long as no such legislation permits the egregious activity of revenue diversion and as long as it continues to meet the airport users' needs. Allegheny County Airport appears to meet the criteria of the Federal Aviation Administration for inclusion in a privatization test program.

Mr. PRESSLER. In response to the concerns raised by the senior Senator from Pennsylvania, I would note that I made my point in our recent correspondence that it is important to be openminded and innovative in thinking about airport funding at a time of declining Federal resources. Undoubtedly, the privatization issue will be taken up by the conference and I look forward to working with my colleagues to address the needs of general aviation airports, such as Allegheny County Airport. If the conferees determine that a privatization pilot program is appropriate for general aviation airports, I am sure that we will accord Allegheny County Airport all due consideration for inclusion in any such program and would hope that the agency would do likewise.

Mr. FORD. I want to add my voice to this discussion. I know that the House has included a privatization provision, which I cannot accept. I want to let my colleagues know of my grave concerns about this matter. I know others share my concerns. If Senator SPECTER's concern is over one general aviation report, I suspect we all can appropriately address that matter.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Pennsylvania, Senator SPECTER, for his agreement to a colloquy, and we will make sure that every consideration is given to his commitment to the Allegheny County Airport.

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. BROWN. 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. BROWN. Mr. President, I will be offering an amendment later this evening that is designed to give transparency to some of the bidding process with regard to large construction contracts.

I was surprised, in reviewing the records of the Denver Airport, to find that it was difficult to ascertain why people had not been awarded the contract even though they were the lowest qualified bidder. I had just assumed that, when you put a project out to bid and you had narrowed the field of people who bid on that contract, you were obliged to take the lowest bid. Certainly, that would be in the best interest of the taxpayers if you could get

the work done by someone who you yourself said was qualified. It came as a surprise to me that, at times, the lowest bidder did not get the work, even though deemed qualified.

What was of more concern was the fact that it was very difficult to identify when this had happened and how much it had cost the taxpayers. Literally, in working with the GAO audit at the Denver Airport, we were advised that it was going to be next to impossible for them to identify which contracts had not taken the lowest bid and how much was lost to the taxpayers or how much cost was increased because of that.

Mr. President, I am well aware of the problems of overregulating this area. I want to commend the committee for their efforts in the past to try to loosen up this area, to give more flexibility to the levels of government that work in this area. My understanding is that the advancements in that area have been made and that a general guideline indicating an effective contracting procedure should be set forth but that the Transportation Department has the ability to move away from the very restrictive legislation in this area which has existed in the past and still, for example, exists with the Pentagon.

So it is not my purpose to reregulate this area. But it is my purpose—and I think it would serve an advantage—if, when the lowest qualified bidder is not selected, that at least the information is available as to why the lowest qualified bidder wasn't selected and how much difference there was in the bids on the contract. I believe that, if there is something wrong—and I don't mean to suggest there is always something wrong if you don't take the lowest bidder. I suspect that there are circumstances where that is explainable and understandable. But I believe if you have to at least present the information and make it public and available, the free press in our free system will do a great deal to police the situation. Transparency, exposure of the facts, will help guarantee that the taxpayers get the best contract for their dollar and get the best performance.

Mr. President, I think it would be a mistake to continue a practice which allows people to literally hide from the public the fact that they haven't taken the best bid from qualified bidders in these circumstances. Mindful of the costs of imposing this burden, we have suggested a \$1 million threshold, and maybe it should be even higher. The Defense Department has a \$25,000 threshold for their requirement for the competitive bidding. So I don't suggest doing anything like what the Defense Department has done, but I think at least with the disclosure of the \$1 million threshold—we will eliminate the small contracts—we will make it available. Literally, when you don't take the best bid, you at least ought to make an explanation and the facts available to the public.

Mr. FORD. If the Senator will yield for a question, without his losing the

right to the floor. The Senator is asking for kind of a public notice of taking a bid when it is not the lowest bid, but we always put the lowest and best. So if you want us to say that we don't think the contractor is qualified and so, therefore, we put out openly that the reason we turned down the lowest bid is we didn't think the contractor was qualified, then you would open the airport board up—or whoever it is—to a lawsuit saying that this contractor is not qualified and, therefore, we are throwing out his bid. That gets to be a little bit tough, I imagine, when there is a bid of any significance.

I am trying to prevent lawsuits on my airport board.

Mr. BROWN. I appreciate the interest of the distinguished Senator from Kentucky. I know he is very knowledgeable in this area. You will be relieved to know that is not the way the amendment is drafted. My sense was that, in a circumstance where the airport authority, or others, have deemed the bidders qualified, among the bidders that they deemed qualified, if they don't take the best bid, they would be then obliged to give some indication of the reason they had not taken the best bid, but it would only be among those who were qualified. They would be the determinants of those qualified.

Mr. FORD. Sometimes, I say to my friend from Colorado, when you have to publicize the bid, it is in the local paper, and you can go by and pick up blueprints for \$25 or \$100, or whatever it is, and you take it and work up your estimate. When the bid date comes, you make your bid. When do they determine that contractor is qualified or not qualified?

Mr. BROWN. Obviously, the procedure followed will depend on the entity and, of course, we are dealing with a nationwide effort. The Department of Transportation, for the contracts that they let themselves, follows a different procedure than, perhaps, local airport boards would.

Mr. MCCAIN. Will my colleague yield and allow me to make a statement on behalf of the leader?

Mr. BROWN. Yes.

Mr. MCCAIN. Mr. President, I ask unanimous-consent, with the Senator from Colorado not losing his right to the floor, to make a statement on behalf of the majority leader.

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

Mr. MCCAIN. Mr. President, the majority leader has asked me to announce that we are seeking a finite list of amendments, with the intention of propounding a unanimous-consent agreement at the appropriate time, and that it be a limited number of amendments, to be tentatively voted on—those that require votes—at 11 o'clock tomorrow morning.

The majority leader asked me to announce that there will be no further votes this evening. I urge my colleagues to come over with their amendments so we can compile a complete

list of amendments, which we hope to follow with a unanimous-consent agreement limiting the bill to those amendments in further consideration of the bill.

I yield the floor back to the Senator from Colorado.

Mr. BROWN. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I say to my friend, I haven't seen the amendment, so it is hypothetical. You made a statement that left an inference here on what we were supposed to do, and so I will wait and get a copy of your amendment. I think your intent is good, but I am not sure that the end result will get what you are looking for. I would like to see the amendment.

Mr. BROWN. Let me say that I appreciate my friend's interest and, particularly, his expertise in this area. We will get him a copy of the amendment and would, obviously, appreciate any suggestions the Senator has. It is not my purpose to restrict, in any way, airport authority, or anybody, from making determinations as to who is qualified to bid, nor would it be to require an investigation. It is my intention that when you come down to several parties being deemed qualified and the contract not going to the one who is qualified and the lowest, then I think the public is entitled to at least an explanation.

That is the intention of the amendment we will be offering. I will file it at the desk.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am disturbed by this amendment. This amendment is the total Department of Transportation. It has nothing to do directly with aviation. This is an aviation bill. This indicates to me that, if you do not like the winner, this gives you the ability to get rid of him. It is page after page of what a contractor has to do, what the Secretary of Transportation has to do, and all of these things. This is the total Department of Transportation. We are here today to talk about airports. I thought it was referring to airports, and about airport authority. This says the Secretary of Transportation or the Administrator to award a contract in an amount greater or equal to \$1 million.

So the Senator from Colorado is going to have to do a lot of work on this one before this Senator agrees to it, and he will have to present it and have a vote in the Senate.

I yield the floor.

Mr. BROWN. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Chair.

Let me say it is my understanding that the amendment does not give anyone a chance to open up bids. All it does is merely ask for disclosure. It suggests that there ought to be a bidding process. I want to assure my

friend from Kentucky that I will be happy to work with him on his concerns. We will try to see if we can't develop what he wants.

Mr. FORD. Mr. President, one of the mistakes that has been made here tonight is, I guess, saying no more votes. When it is said "no more votes," they scatter like a covey of quail. So we will be looking for amendments as best we can.

We have a managers' package that will take care of many of the Senators who have offered amendments. We are, I think, fairly close—down to maybe six or eight amendments that will be the finite list. But we never know.

The thing I want my colleagues to understand is that the majority leader has told the Senator from Arizona that he wants to get a unanimous-consent agreement tonight on a finite list of amendments and start voting on it at 11 o'clock tomorrow. All I can do is try to protect my colleagues as best as I can to a point.

So I hope at least those on my side, if you have an amendment, will please come and let me have it so that it can be on the list. If not, I think you may get left out.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to echo the sentiments of my friend from Kentucky. I hope that the relevant amendments will be brought over. We are in the process of compiling that list. It is my understanding that the intention of the majority leader and the Democratic leader is to complete this bill tonight with the relevant votes held over until tomorrow at 11.

So I again urge my colleagues to come over.

Mr. STEVENS. I am pleased that this bill has made its way to the floor. Included in this important legislation is a provision I helped to craft which mandates an extensive review of the Federal Aviation Administration's financing needs. A private industry commission is established under this bill that will make recommendations on whether the FAA's financing system needs to be modified.

I know that we all agree that the aviation industry and the traveling public need to have a fully funded, efficient, Federal Aviation Administration.

What we disagree on, and what the industry disagrees on, is how to reach that goal.

There is a bill on the calendar which mandates the implementation of user fees to fund the Agency. That bill has drawn so much opposition that it is stalled.

The so-called big seven air carriers have visited many of our offices with a different user fee proposal—that concept also has not been adopted.

An alliance has been formed of air carriers, general aviation, manufacturers, and others to block all user fee proposals.

Rather than settling on a funding mechanism, the industry is battling amongst itself. Some players are urging a long-term reinstitution of the ticket tax. Others say they will fight to the death if the tax is extended beyond the end of this year.

And meanwhile, uncertainty mounts about how the FAA will meet the challenges of the 21st century.

Last year, when S. 1239 came before the Commerce Committee, I offered substitute legislation to remove the mandated user fee system contemplated by that legislation.

My concept was that Congress needed more facts to cut through the issues raised by both sides—and frankly, I was concerned that S. 1239 preordained user fees as the only way to meet the FAA's needs.

My belief then, and now, is that an independent authority must review the FAA's budgetary projections and determine whether they are sound. All of us must agree on the needs, before we mandate the solutions.

The compromise before us today does that. An independent assessment of the FAA's financial requirements is conducted, and then an independent panel takes the financial information and proposes to us, and the administration, specific recommendations on how to fund the agency, and how to get the most efficient system for the dollars spent.

I will be blunt. I believe the flat-tax concept of the excise taxes has worked. It is not perfect, but I fear there is no perfect funding mechanism in this area.

But we will let the independent task force work its will—and we will act on the proposals it promulgates.

I want to thank Senators MCCAIN, FORD, HOLLINGS, and PRESSLER for their hard work and leadership on this bill. We all care about the FAA and want to see it work efficiently and effectively. Many good people work at the FAA, and the agency is absolutely essential in my State where more than three-quarters of our communities are accessible only by air.

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.

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

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

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for the work that he has done on the aviation security issue and the aviation funding issue. He has worked on that for a long time. It is something that we share as an issue.

Having been a member of the National Transportation Safety Board, I have looked at aviation safety for a long time. I think that the United States and the FAA have done a very

good job with the job at hand. The issue used to be hijacking. That is what we were worried about. That is when passenger screening came into being—when we worried about the possibility of someone with a firearm coming in and taking the plane away to hijack it and the passengers.

But now we have a different threat. Now we must meet a different test. And that threat, of course, is terrorism. We must do everything we can to protect the traveling public against the people in this country that would kill and maim innocent people in the name of a cause; people who would go in and blow up a building, or blow up an airplane, or any other kind of heinous crime not even knowing the victims, not even knowing their families. And, yet, because they believe in some cause that they want to get publicity for they would do these terrible acts.

It is hard to deal with something like that, but we must try. And we can do a lot just by having in place strong security measures that would protect the traveling public and let would-be terrorists know we are going to meet them at every point that they would try.

I think Senator MCCAIN's bill is a good one because it does put in place studies where we are not sure what the ramifications would be, and regulations to be made by the FAA where we know that we can do certain things that will make it better.

I think baggage checks, which is something that is done on international flights, is something that we ought to look at on domestic flights. It is not easy. I know that the airlines are very concerned about not only passenger security but, of course, the ease of travel and the ability to keep time. It is an issue for them. I understand that. But I think we have to try. I think we have to see how we can make it work.

Technology is changing every day. It is getting better. I went to the airport yesterday morning, and they put my ticket through a screening device and brought out the boarding pass. Clearly, they are now being able to check whether a ticket is valid. That is good. I was pleased to have that little, tiny delay because I knew that it made me safer in the air.

So I think with the technology we have, that probably we can work out something with baggage checks that would not be onerous for the airlines. Certainly, background checks for baggage handlers and passenger screeners is going to be something we would like to have looked at.

We want to make sure that we are able to screen people who are going to have access to the tarmac. I think these are prudent measures and something that we need to know all the ramifications of. We need to know what the costs are. We need cost-benefit analyses. That is common sense. But I think, in the end, this can be done with a cost-benefit analysis that does make sense.



I am very pleased we are going to look at passenger facility charges and Airport Improvement Programs for the funding of these security measures. The Senator from Arizona is making it possible in this bill, in the managers' amendment, to have access to those funding mechanisms for more of the security screening systems that are a higher and better technology than those being used at most airports today.

We have a number of things that will improve our airport security in this bill. I do think it is important that we take every step we can, that we work with the FAA, that we bring the FBI in to an even greater extent. They are working now with the FAA, but I think they could do even more. I think it very important that we bring all of this together with the mandates and the studies to make sure we do everything possible to make the traveling public safe and to let them know we are taking these steps to make them safe and also to let the potential terrorists know we are taking these steps to counter the threats that they might make on our traveling public.

So I am very pleased to have worked with Senator MCCAIN on this bill, to bring what I learned in my days at the National Transportation Safety Board to bear on this, although I must say, when I was on the National Transportation Safety Board terrorism was not the threat. That was in the old days when we were worried about other safety issues, and I think now we do have the safest aviation system in the world, and we are just going to take the next step to make it safer.

I thank the Senator from Arizona and the Senator from Kentucky for their work on this bill. We must pass it, and we will.

I thank the Chair.

Mr. MCCAIN. Mr. President, I wish to take a moment to thank the Senator from Texas. She brings a degree of experience and expertise to the Commerce Committee on aviation issues that no other Member of the Senate has, due to her long involvement with aviation safety as a member of the National Transportation Safety Board. She worked on a special task force on antiterrorism after the TWA 800 tragedy. She has advised the Senator from Kentucky and me, but, more importantly, she has been responsible for specific recommendations that are part of this bill which I think will help us achieve the goal which we all seek, and that is a reduction in the threat to the safety of those American citizens and others who make use of airlines not only in the United States but throughout the world.

So I extend my deep appreciation to the Senator from Texas. The bill would not be, I believe, as encompassing as it otherwise is without her assistance, and I thank the Senator from Texas.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I wanted to come to the floor to speak about a couple of provisions in this legislation which includes a number of very important provisions that are very important to all parts of America, but especially to rural America. I wanted to make note of a couple of them.

Before I do, I wish to talk generally about what persuaded me to advance an amendment in this legislation dealing with essential air service. This bill contains an amendment I offered in the Commerce Committee dealing with the essential air service program.

I want to go back, as boring as it might be for some, to revisit the decision on deregulating the airlines. We have people here in Congress who still think deregulation was a wonderful thing to do. If they could get pompoms, they would do jumping jacks and wave pompoms, saying airline deregulation was a wonderful thing for our country. Well, it was for some Americans.

If you live in Chicago, I guarantee you grin from ear to ear about deregulation because if you happen to be traveling to Los Angeles, you can go to O'Hare Airport, find many carriers flying to Los Angeles, competing aggressively against each other, providing competitively lower prices. You will find a heck of a bargain if you want to travel from Chicago to Los Angeles. If you want to travel from Chicago to New York, the same deal—a lot of carriers competing aggressively, competing by lowering prices. You get a heck of a deal.

What about people who do not live in the largest cities? What about someone who lives, for example, in a State like North Dakota? Before deregulation, there several major airlines that flew jets in North Dakota: Western Airlines, Frontier Airlines, Republic, formerly North Central Airlines, Delta Airlines, Northwest Airlines, Continental Airlines. Do you know who flies jets in North Dakota today? Northwest Airlines—a good carrier. One jet service carrier servicing our State. It is a good carrier, good company, but our people deserve some competition.

The result of all of this is that in rural parts of the country when you have less service, fewer companies and less competition? Higher prices and less service.

I'll give you an example which I have used before in the Commerce Committee. Let us assume that a Senator from Colorado desired to fly from Washington, DC, to go to Disneyland and see Mickey Mouse and all of the merriment at Disneyland, traveling all the way across the country. And the Senator from Colorado called a travel agent and said, "I want to go see Disneyland in California. What is it going to cost me?" And they would give him a price for a ticket, maybe a 2-week advance, to fly all the way across the country. And then I con-

vinced him you ought not go to Disneyland; you ought to go see the world's biggest cow on a hill overlooking New Salem, ND—Salem Sue, a giant plastic dairy cow that sits on a hill. So he decides he will fly from Washington, DC, to Bismarck; he would be going to see Salem Sue instead of Mickey Mouse. So he calls the same travel agent and says, "Well, you charge \$300 for me to fly from Washington, DC, to Disneyland. How much will it cost me to go half as far to see the world's largest cow on a hill outside New Salem, ND?"

Answer, twice as much.

Fly half as far, pay twice as much. Or, said another way, fly twice as far, pay half as much.

What kind of a pricing system is that? Would that be a bureaucratic pricing system? Would that be a function of some bureaucrat in Government who decided let me see if I can mess up our pricing system so we can charge people higher prices to fly fewer miles? No, that is not what this is about. It is about airline deregulation and the lack of competition, which means that rural areas, people who live in smaller States with less population, end up paying higher prices for fewer choices. That is where deregulation has left us.

Some people think that does not mean very much. We still get all this robust competition in the major cities, and that is a good thing for the major cities. Yes, it sure is. It is a good thing for the major cities. But it has been devastating for rural areas of the country.

I could go on at some length but I shall not do that, except to say that, because of our experience, in which deregulation of the airlines has made the rural areas an impoverished area with respect to that part of transportation service we used to expect—some kind of competition with jet service going to some hubs—because of that we have to rely more and more on other kinds of devices. We have become very strong supporters of the Essential Airline Service Program, called EAS. That was a program—when deregulation was enacted—that was advertised as a means to continue to provide some support and help to the smaller areas. That program used to be funded at \$80 million a year. Then it went to \$40 million a year, then \$30 million, then \$25 million. Slowly but surely it has been diminishing and many have tried to kill it.

What I did in this bill was offer an amendment that is now part of this legislation that provides a permanence to the Essential Air Service Program by funding it with a fee which this country should attach to foreign carriers overflying America. Every other country assesses this fee. Our country never has. This bill will assess a fee for foreign overflights of our country, just as other countries do, and part of the proceeds of that fee will be used to provide for an Essential Air Service Program that is more robust than the current program is.

Under my amendment, the Essential Air Service will be administered by the FAA; no longer the DOT, as is currently the case. It will be authorized at \$50 million a year. This bill passed the Commerce Committee with broad, wide, bipartisan support. I appreciate very much that it is on the floor and likely will pass through the Senate. We expect to keep this in conference and, once and for all, solve this problem. This is a good piece of legislation that addresses a problem that we are stuck with as a result of deregulation in rural areas of the country.

My friend from Arizona is a particularly articulate supporter of deregulation. I understand why, and I do not contest his view of why it has been beneficial to some areas of the country. Nor would I expect he would contest my view that some areas of the country have been hit very, very hard by a theory that says we will create, in our transportation system, networks in which, if you get a decent income stream that supports a service, fine; if not, service is unavailable and unimportant to you.

We have always, in transportation and communications and certain other areas, said let us try to provide broad networks of opportunity. That should be true in air travel. It is true in communications, telephone service, and other areas as well. But deregulation has changed that. We have had an opportunity, now, to sample the bitter fruit of what deregulation does for us in some areas, and do not like it very much. That is why the Essential Air Service Program is increasingly important to us.

I would like to move from that just for a moment to one other item. This piece of legislation is critically important. I commend the Senator from Arizona and the Senator from Kentucky and all others who had a role in bringing it to the floor of the Senate, because this legislation must be enacted by this Congress. We must reauthorize the FAA, provide for some continuity, and we must recognize its new and expanded role in dealing with all of the issues we deal with all throughout the year on air service issues in the Commerce Committee.

But something has happened here that causes me great concern. Let me explain to the Senator from Arizona. I know he is aware of this and he probably feels the same way I do about this, but it causes me great concern. We have funded most of the FAA through the aviation trust fund, financed, in part, with a 10-percent ticket tax on airline tickets in this country. What happened is that this 104th Congress we got into a wrestling match about a whole range of issues and the ticket tax expired. All those many months the ticket tax has expired the \$500 million a month that should have been going into the trust fund to help fund the programs in the FAA, depleting the trust fund.

Then the 10-percent ticket tax was reinstated, but it was not reinstated

for the purpose of funding the FAA. It was reinstated for the purpose of paying for a small business tax program that was attached to the minimum wage bill.

I know about double entry book-keeping, and this truly stretches double entry. Either the 10-percent ticket tax is designed to help fund the functions of the FAA, or it is designed to help pay, as a revenue source, for a range of tax breaks—many of which I supported, many of which I thought were meritorious—tax breaks for small business. But it cannot do both. And the more egregious approach here is that, on December 31, the 10-percent ticket tax will expire again and, on January 1 and 2, there will be no 10-percent ticket tax. The Congress will not be in session. The Congress will come back into session the first week for a day, for swearing in. Then its committees will organize. And, as all of us know, there is not going to be a re-attachment of a ticket tax in January; unlikely in February; and we are right back into the same problem that all of us should have learned about in recent months.

This is not being critical of one side or the other. It is saying this is an awful way to do business. I have supported the ticket tax because I think it is an appropriate way to raise the revenue to help pay for the functions of the FAA. We lost \$500 million a month, have substantially depleted the trust fund, we reattached the 10-percent ticket tax, not for the purpose of re-funding the FAA, but for the purpose of allowing another bill to pass that provides tax cuts for small businesses, some tax help for small businesses, and then attached it only until December 31 when it is certain to expire again and all of us know it.

There is something fundamentally wrong with that happening. The responsibility for us to address that is ours, all of ours, on both sides of this political aisle. We ought to run this place the right way, and the 10-percent ticket tax, if that is the choice to largely fund the FAA functions, let us put it in place and keep it in place and not play games with it. One of the reasons I believe it is extended only by the Finance Committee through December 31 is because I think there is a belief by some that they can use it for the small business tax breaks now, which they have done, and then they can come back on January 1 and use it again because it will be new money. It will not be a tax that exists. It will be a new tax and they can use it for other purposes in January. It is a budget game and everyone in this Chamber knows it.

More important, it is playing a game with the wrong entity. The FAA, for all of the controversy that it seems to receive every time there is a major problem, the FAA is an institution that has an enormous responsibility. I, like my colleagues, have flown in various parts of the world. I tell you, at least with

respect to the FAA—and I know we are talking vacuum tubes and all kinds of other issues here—with respect to the FAA, I feel more safe flying in this country than I do anywhere else in the world. Is the FAA perfect? Have we had problems? No, it is not perfect. Yes, we have had problems. But is this the kind of organization that deserves to have this kind of plug-in and pull-out circumstance on the 10-percent ticket tax? I do not think so. It is not a good way to do business. I think my colleague from Arizona would agree with that.

I am not standing here lacing criticism at one person or one committee or one party. I am just saying this is not the way for the Senate to do business and we ought to change it. If we are going to be here a week or two more, the Finance Committee ought to report something out that does this in the right way, and that would be to permanently attach that ticket tax so it does not expire on January 1 and attach it as a permanent funding source to the FAA, as it has been previously. That is what I would expect of this Congress. That is what I think most of the American people would expect of this Congress.

So, that is therapy. I got that off my chest. I have been complaining about that for some while to no avail. You talk to some who say, "this committee has jurisdiction," "this happened," "there are circumstances we cannot always control," "I wish it were different"—the fact is, we can make it different. We run things, all of us together. We in Congress can make our own decisions about what is right or what is wrong and it is fundamentally wrong that we are going to leave here and on January 1 have no ticket tax that is funding the manner the FAA runs, the way you and I and everybody expects it to operate.

Mr. President, I know others may want to speak on this. Having complained now for a bit about this, I do want to come back to say that I appreciate a lot of work that the Senator from Arizona and the Senator from Kentucky have done to bring this to this point. I know there have been a number of fences to climb and a number of fences to get under, even, to get here. I do not expect they will all be recited on the floor of the Senate, but this is the right subject. We need to reauthorize this bill, and the work that these two have done, I think, may allow us to accomplish that in a way that will be helpful to this country. If we will add to it a piece that solves the ticket tax issue in the way that people would expect it to be solved, then I think we will have done something more for this country. I yield the floor.

Mr. McCain. First of all, I associate myself with the remarks of the Senator from North Dakota concerning the ticket tax. If, last year at this time, the Senator from North Dakota and I had been told that the ticket tax would



have been jerked around in this fashion, I would have just said it is not possible. I mean, aviation in America is too important. We have to have these funds. We know what method of transportation more and more Americans take, and the importance of modernization. We all know the problems with the air traffic control system. We all know the issues that face us. Yet the ticket tax was allowed to lapse for what, 10 months, I ask my colleague from North Dakota? It staggers the imagination. For us to only, as the Senator from North Dakota says, extend that ticket tax to December 31 is really unfair. It is unfair to aviation safety, it is unfair to modernization, it is unfair to the towns and communities that the Senator from North Dakota talked about which have lost air service as a result of deregulation.

I just would like to say now, especially since my friend from Kentucky is here, maybe if the three of us and like-minded Senators got together and just said, "Look, we're not going out of session until we do resolve this ticket tax issue," remembering that in this bill, it does call for at some point a commission report to the Commerce Committee, to the Finance Committee, and then to the floor of the Senate, so we can fundamentally restructure the way the financing is done.

But until there is that kind of agreement, we are stuck with a ticket tax. I don't think it is the fairest kind of tax, I will tell my friend from North Dakota, and I don't think he does either. I think people who use the system are the ones who should be paying. Right now, for example, business jets pay about one-tenth into the system that they use. That is wrong. That is not fair. In all due respect to my friends in the corporate world, they can afford it.

There are significant inequities associated with the ticket tax, but for us to allow the aviation trust fund to become depleted to the point where we can't carry out our fundamental obligations, in my view, is—the kind of description I would use is inappropriate.

I wonder if the Senator from Kentucky wants to add a comment on that before I also respond on the issue of essential air service, which I think the Senator from North Dakota and I have been debating going on 7 years, and I have no illusion of changing his views tonight.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my friend from North Dakota, Senator DORGAN. You never know when you get up on the floor and make a statement about the way you feel—the response from the Senator from Arizona, chairman of the Aviation Subcommittee, is that he agrees with you. I agree with you. So now we have three. So when you start out, maybe you thought you were by yourself, but you are not.

One item I would like to add to what we expect from FAA is that we put responsibility on those who are operating FAA to do all these great things, and then we don't give them the wherewithal to do it. Think about that. We demand the safest airline service in the world, but yet we say we're going to play Mickey Mouse with your money.

We went 10 months at \$19 million a day lost, and now on January 1, we will start losing a similar amount until we wake up and try to fund it. Sure, we have in this bill a study on other ways to finance, but we don't have it yet. That study has to be sent to us for review by the Secretary of Transportation.

What do we do between now and then? We are going to hear some folks, "Where's my money for my airport?" Well, you didn't pay for it. "Where is my help on essential air service?" The Senator from North Dakota made his point.

In the managers' amendment that will be agreed to shortly, the amendment of the Senator from North Dakota, as it relates to small airports, essential air service, all those things will be in this bill. He has made a great contribution.

I say to my friend from Arizona, I know his toughness, I know his ability, and I will be glad to follow his lead in trying to work out something before we leave here to extend the ticket tax until such time as a report comes back under this bill. That would at least give us something to go on.

But I understand the turf around here. I understand we have jurisdictions in our committee. I understand the smoke and mirrors that are being played with the ticket tax. It ought to go to airlines. It ought to go to FAA. It ought to go to safety. It ought to go to small airports. But, no, we play Mickey Mouse, and we then turn around and say, "Where's all our help?" You just can't do it.

So I agree with my friend from Arizona, and, in particular, my friend from North Dakota. I thank him for his statement tonight. I believe if those Senators who didn't hear his statement—their staffs hopefully did—they will have an opportunity to read the RECORD in the morning to see what the Senator said, and he makes sense. There wasn't anything partisan about his statement. There is nothing partisan about the statement of the Senator from North Dakota. He was just spelling out the facts, and when you listen to the facts and you don't respond, as eloquently as he laid them out, then I think we have something more than trying to serve our constituency back home permeating this Chamber.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCAIN. Mr. President, I am about to send to the desk a managers' amendment to the bill. These modifications concern sections concerning

maintenance program; maximum percentage of amount made available by grants to certain primary airports; discretionary fund; designating current and former military airports; State block grant program; access to airports by intercity buses; report including proposed legislation on funding for airport security; family advocacy; accident and safety data classification; report on effects of publication and automated surveillance targeting system; weapons and explosive detection study; requirement for criminal history records check; interim deployment of commercially available explosive detection equipment; audit of performance of background checks for certain personnel; sense of the Senate on passenger profiling; authority to use certain funds for airport security programs and activities; development of aviation security liaison agreement; regular joint threat assessments; baggage match report; enhanced security programs; report on air cargo; acquisition of housing units; protection of voluntarily submitted information; application of FAA regulations; sense of the Senate regarding funding the Federal Aviation Administration; authorization for State-specific safety measures; sense of the Senate regarding the air ambulance exemption from certain Federal excise taxes; FAA safety mission; carriage of candidates in State and local elections; train whistle requirements; limitation on authority of States to regulate gambling devices on vessels; commercial space launch and other germane amendments.

AMENDMENT NO. 5360

(Purpose: To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes)

Mr. MCCAIN. Mr. President, I send the managers' amendment to the desk on behalf of Senator PRESSLER, myself, Senator HOLLINGS, Senator FORD, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. PRESSLER, for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. FORD, and Mr. STEVENS, proposes an amendment numbered 5360.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the 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. MCCAIN. Mr. President, I ask unanimous consent that the amendment be considered as original text for purpose of further amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. MCCAIN. Can we get this accepted first and then return to the Senator from North Dakota?

The PRESIDING OFFICER. The Senator's request with regard to original

text is approved by the Senate. Without objection, it is so ordered.

Mr. MCCAIN. We seek adoption of the managers' amendment.

The PRESIDING OFFICER. Is there objection to adoption of the managers' amendment under the conditions that have been stated? Without objection, the amendment is agreed to.

The amendment (No. 5360) was agreed to.

Mr. MCCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me finish with a very brief statement. I do not want people to misunderstand what we are discussing here. This is not myself or others suggesting that we like a 10-percent ticket tax because it has the word "tax" in it. Let me explain exactly what this is.

For some many years we have had a 10-percent tax added to the price of airline tickets for the purpose of funding a wide range of activities in the Federal Aviation Administration, the construction of airports, the purchase of equipment dealing with airline safety, a whole range of things dealing with FAA control towers. We have always funded that with this 10-percent tax on tickets.

To decide that there shall not be a 10-percent tax on tickets means that there is no funding, or at least the major funding for the FAA is not going to be available. That is why I say it does not make much sense for us to worry about and talk about the FAA and its functions, the critical functions it performs for passengers in our country, and then to allow the disconnection of the major revenue source to fund the FAA.

Not too long ago I asked to tour the FAA control tower at the Minneapolis-Saint Paul Airport. I have been in towers before, but I have not been in very large towers. I have flown an airplane myself and called the tower on approach, so I know a little about the system. But I went up into the tower at Minneapolis-Saint Paul because I was curious how they work on approach control with airplanes coming in and going out, on the ground, in the air, dealing with thunderstorms, and it was really quite remarkable to watch.

The one thing that was interesting to me is they had a very large scope in the middle of this dark room, a very large round scope. When they pushed a button on that scope, which covered a map of the United States and part of Canada on that scope, it would light up with about 4,500 white dots, each of which represented an airplane at that moment aloft being tracked by our system in the FAA.

You could point to any one of these dots on that giant screen with a computer and you could find out instantly what airplane that was, what its call signal was, what kind of plane it was, what direction it was heading, how fast it was going, what altitude it was—every single plane on that screen.

Then they had men and women up and down the row—and many of you have seen this in a control tower—in the dark room with the flow of incoming traffic and the flow of outgoing traffic dealing with that. Then you had the folks up on top who were dealing with the visual aspects of landings and takeoffs and people on the ground. I will tell you, I watched these people for some while. I was enormously impressed. These are skilled, trained, tough professionals who know what they are doing. I came away from that not thinking that this is a system with a lot of worry about it; I came away enormously impressed by the men and women who were running that system at the Minneapolis-Saint Paul Airport. I do not know about all Senators, but I know what I saw that day enormously impressed me. These are very capable people.

Can the system be improved? Yeah, probably.

Mr. MCCAIN. Would the Senator yield just for one additional comment I would like to make?

Mr. DORGAN. Certainly.

Mr. MCCAIN. Now that the managers' amendment has been accepted, we continue to seek any additional amendments that our colleagues may have. The Senator from Rhode Island has, after the Senator from North Dakota is finished with his remarks, an amendment. We will be awaiting or anticipating any additional amendments, again, reminding my colleagues that we will be seeking a unanimous consent agreement tonight to close out further amendments so that we will be able to have votes on pending amendments and final passage at 11 o'clock tomorrow, which is the direction of the leaders on both sides.

Mr. President, I yield the floor back to the Senator from North Dakota.

Mr. DORGAN. I will finish in 1 minute.

Let me say this. The men and women in that tower in Minneapolis and Saint Paul who tonight are working that air traffic control system, and doing it with great skill, deserve a Congress that does right by them. That means reconnecting the revenue source that is going to fund the FAA functions in this country.

Senator MCCAIN invited that maybe some of us ought to decide this Congress ought not adjourn until it resolves that issue. Well, sign me up, count me in. Count me in for maximum trouble and minimum time. I want to find any way possible to deny us from going home and not doing right by the people who are running that FAA system who are in those control towers tonight.

We have an obligation. We have a job to do. All of us understand what it is. We ought to do it. The American people ought to expect that we do it. I am pleased with the support by the Senator from Arizona and the support from the Senator from Kentucky on these issues. I hope in the coming cou-

ple of days the three of us, conspiring in a thoughtful and interesting way, can find a way to solve this problem. Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise in support of the managers' amendment, and to express my appreciation to the chairman of the Commerce Committee, Senator PRESSLER, for working with me to ensure that this bill addresses an important issue facing the Federal Aviation Administration [FAA]—the issue of safety.

My language in the managers' amendment responds to the request made by the Secretary of Transportation on June 18, when he called on Congress to: " \* \* \* change the FAA charter to give it a single primary mission: safety and only safety."

In light of the many safety concerns that have become public as a result of the tragic crash of ValuJet flight 592 and TWA flight 800, it is important to restate the commitment of Congress and the FAA to ensuring the safety of air travel in this country. By addressing the issue of the dual and dueling missions of safety and air carrier promotion, as one reporter so accurately put it, there will be no room for doubt in the minds of the traveling public—or the FAA—that safety is its job—first, last and always.

The underlying bill includes the Wyden-Ford amendment, which I supported in committee, that took an important step in the direction requested by the Secretary. That amendment added the word "safety" to the statute outlining the FAA's mission on air commerce promotion, and I agree that it is important to reemphasize safety in this area. This still leaves us with a dual mandate, however.

The Snowe language requires the Management Advisory Council [MAC], created under the bill to provide oversight for management and policy matters to the FAA Administrator, and to review the overall condition of aviation safety and the extent to which the dual mission of the FAA undermines the safety mission. The MAC has 180 days to report back to Congress, in conjunction with the FAA, with its recommendations for necessary changes in the mission.

I would have preferred to simply eliminate the mandate, as I did in the Snowe-Pressler freestanding bill on this issue, S. 1960. But I understand the concern that development and safety issues are closely linked in some cases, and a review is necessary in order to determine the most appropriate distribution of functions between the FAA and other agencies within the Department of Transportation. I believe that this language provides for a process that will allow Congress to put to rest concerns that the FAA is not focused on safety.

We cannot expect the FAA to regain the trust of the traveling public while it maintains its dual mission of both ensuring their safety while at the same time continuing to promote the growth

of the carriers. The current mission of the FAA places it in the untenable position of being both the chief enforcer and the best friend of the airlines—no one should be asked to perform both roles, and no one can be expected to do both well.

The dual mandate places the FAA in the position of conflict between the American consumer and the airlines. It has raised questions about the FAA's actions with regard to moving forward in a timely fashion on the safety recommendations made by the National Transportation Safety Board; and most importantly, it has raised questions about whose side the FAA is really on.

As James Burnett, Jr., former Chairman of the National Transportation Safety Board, said "It's as if the FAA acts to protect the airline rather than the consumer until they just can't maintain that position any longer."

I believe that a review of FAA functions by the MAC, as required under my language, and subsequent action by Congress on the MAC's specific recommendations for changes necessary to ensure that safety remains the focal point of the FAA's mission, will enable us to reassure the American public that the FAA is looking out for their safety at all times.

Mr. THURMOND. Mr. President, I am pleased that included in the amendment offered by the managers is a provision regarding discretionary Airport Improvement Program [AIP] grants to reliever airports. This language would clarify one of the factors that the Federal Aviation Administration [FAA] considers in determining grants from the discretionary fund.

The AIP provides grants to airports which help insure the safety of air travel in this Country. Seventy-five percent of the money distributed annually from the AIP is allocated to primary and reliever airports from the discretionary grant fund. In determining whether to make a grant to improve an airport, the Secretary of Transportation considers three criteria: First, the capacity of the national air transportation system; second, the costs and benefits of a project; and third, the financial commitment to be made from sources other than the Federal Government.

Mr. President, language included in the amendment offered by the managers clarifies the second criteria, the costs-benefit analysis. Currently, the FAA does not consider the cost savings to the primary airport in its analysis of improvements to the reliever airport even though they might be cheaper than expenditures to upgrade the primary airport. In other words, a small investment could be made to upgrade capacity at a reliever airport that would result in very large cost savings at the primary airport. However, this does not qualify as a positive cost-to-benefit comparison under the FAA interpretation.

Mr. President, the Rock Hill-York County Airport, a small facility that

serves the north central part of South Carolina, is experiencing difficulties with their grant application due to this interpretation. The Rock Hill Airport is a designated reliever airport to the growing Charlotte/Douglas International Airport. In 1991, the FAA published a Capacity Enhancement Plan for the Charlotte Airport that recommended upgrading the capabilities at the reliever airports serving Charlotte. It was estimated that if the Rock Hill Airport were equipped to handle general and corporate aviation during bad weather, the Charlotte Airport would save \$5.6 million per year.

Mr. President, I ask unanimous consent that a copy of a letter from Mr. T. J. Orr, Aviation Director of the Charlotte Airport, that outlines this situation be inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. THURMOND. Pursuant to this report, the Rock Hill-York County Airport applied to the FAA for a \$350,000 airport improvement grant to install an instrument landing system [ILS]. However, the FAA will not consider the cost savings to Charlotte in the application submitted by Rock Hill. Further, they base their decision solely on the number of flight operations currently at Rock Hill.

Mr. President, this puts Rock Hill in dilemma. They cannot demonstrate the required number of operations to satisfy the FAA because they do not have an ILS and they cannot get the required number of operations without the ILS. While I believe the FAA is wrong, it appears that legislation is needed to correct this problem. I thank the managers for including language in their amendment that will force the FAA to examine this situation.

#### EXHIBIT 1

CHARLOTTE/DOUGLAS  
INTERNATIONAL AIRPORT,  
Charlotte, NC, October 10, 1995.

Ms. CAROLYN BLUM,  
*Regional Administrator, Federal Aviation Administration, Southern Region, College Park, GA.*

DEAR MS. BLUM: The Federal Aviation Administration, airport operators, and the users of the national air transportation system a few years ago initiated Airport Capacity Design Teams to identify, develop and evaluate means of reducing delays at high activity airports, such as Charlotte. Ancillary benefits based upon implementation of a number of these recommendations have resulted in increased air traffic control system safety and efficiency.

In April of 1991, the Charlotte/Douglas International Airport Capacity Enhancement Plan, completed by the Charlotte Capacity Design Team, was published by the Federal Aviation Administration. This plan was the result of a two year collaborative effort by a design team which included representatives from: the FAA System Capacity and Requirements Office; the FAA Technical Center, Aviation Capacity Branch; the FAA Southern Region Air Traffic Division, Airway Facilities Division, Airport District Office, and the Charlotte Tower; USAir, Air

Transport Association; Aircraft Owners and Pilots Association; and the City of Charlotte's Aviation Department.

One of the key recommendations of this plan was the upgrade of capabilities and services offered by the reliever airports serving the Charlotte area. In fact, an estimated savings of \$5.6 million per year in 1991 dollars was forecast as a result of reducing demand at the Charlotte/Douglas International Airport generated by general aviation, business and corporate aviation demand. Much of this demand at the Charlotte/Douglas International Airport occurs during critical periods of instrument meteorological conditions when reliever airports are simply not equipped to serve aircraft in these weather conditions. The resultant involuntary movement of general aviation, business and corporate aircraft from a reliever airport to a major commercial service airport hub could not come at a worse time or under worse conditions.

In recognition of these critical capacity, efficiency and safety issues, the Rock Hill-York County Airport, an FAA designated reliever airport to the Charlotte/Douglas International Airport, has applied to the FAA Southern Region for approval and funding of an AIP project to upgrade its Runway 02 Localizer to a full Runway 02 ILS by the addition of a glideslope and related improvements. The benefits of lowering the approach minima to Rock Hill Airport, as a result of these improvements, will accrue a substantial benefit to the Charlotte/Douglas International Airport as promised in the Charlotte/Douglas International Airport Capacity Enhancement Plan.

Because of Rock Hill's willingness to fund a major portion of this project's capital, design and maintenance costs from non-FAA funding sources, it appears this is a project of excellent value if the FAA considers its overall infrastructure benefits. I strongly endorse this initiative by Rock Hill and would appreciate your help in assisting Rock Hill in obtaining the necessary project approval and funding on a priority basis.

Thank you for your kind consideration of this matter.

Best personal regards,

T.J. ORR,  
*Aviation Director.*

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 5361

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. BAUCUS, proposes an amendment numbered 5361.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 78, line 12, strike "and aircraft engine emissions,".

On page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working

groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

Mr. CHAFEE. Mr. President, this amendment is offered on behalf of myself and Senator BAUCUS. Mr. President, what does this amendment do? This amendment would remove a provision in the bill which gives the Federal Aviation Administration, which sometimes is referred to as the FAA, removes the authority given to the FAA under this legislation to regulate air pollution emissions from aircraft engines.

This new authority—this is not authority that they currently have; this is brand new authority to the FAA. It would duplicate authority which is already assigned to the Environmental Protection Agency under the Clean Air Act. The amendment that Senator BAUCUS has joined me on would encourage greater cooperation between EPA and FAA in this area, but it would preclude the confusion and waste that would result from two Federal agencies charged to do the same job. That is what this legislation does; it sets up one more agency to do exactly the same thing that the EPA does now.

Mr. President, we object to giving the FAA this authority for three reasons. First, there is no need to duplicate the authority that the EPA already has. There is no evidence, Mr. President—no evidence—that EPA has abused this authority or that it has overregulated aircraft engines. The last time EPA issued regulations for aircraft engines was in 1982. Mr. President, that was 14 years ago. So that is hardly a case of overregulation.

As a practical matter, Mr. President, the way this system works is that the world's three major aircraft engine manufacturers—there are three in the world, Pratt & Whitney, General Electric, and Rolls Royce—comply with emissions standards that are set by an international body, sometimes referred to as ICAO. That international body's regulations cover more pollutants and are more stringent than EPA regulations.

So, Mr. President, to instruct two separate Federal agencies to issue regulations on the same subject is to set the stage for confusion and conflict and wasted resources, both public and private.

Second, the FAA is in no position to regulate aircraft engine emissions as provided in this legislation. The FAA does not have the expertise to know which air pollutants adversely affect human health or the environment. The FAA does not know how emissions from aircraft engines fit into the bigger picture on air quality problems.

In fact, Mr. President, the Commerce Committee has received a letter, dated just 5 days ago, from Secretary Peña of the Department of Transportation asking that this provision, the provision I am referring to, giving the same powers that the EPA has, giving those to the FAA in this bill—Secretary Peña

has written asking that this provision be removed from the bill because the FAA does not have that expertise.

Mr. President, I ask unanimous consent that the letter from Secretary Peña be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CHAFEE. Mr. President, I will read a portion of this letter addressed to the Honorable LARRY PRESSLER, chairman of the Committee on Commerce, dated September 12, 1996. Page 2 reads:

In consideration of the very significant budget constraints faced by the FAA, I urge the deletion of the new responsibilities that section 631(a)(1) of S. 1994 entitled, "Aircraft Engine Standards" would impose on the agency. If adopted, this section would vest responsibility to set aircraft engine emission standards with the FAA. Such responsibility would not only duplicate the responsibility and authority already vested with the Environmental Protection Agency [EPA] under the Clean Air Act, but would also require the expenditure of substantial resources to develop a level of expertise requisite to environmental rulemaking that already exists at EPA.

What is the third reason that this provision should be stricken? If the provision in the bill has the effect of forestalling any EPA regulation of aircraft engines—which probably is the effort here, to get EPA out of this—the result will not be less regulation or less costly regulation. It will merely mean, and this is important, more regulation for other sources like small businesses and automobile owners and manufacturing facilities.

Airplanes emit hydrocarbons and oxides of nitrogen into the atmosphere where they combine with the air pollutants admitted by thousands of other sources to form what is known as smog. The way the Clean Air Act works, States must adopt regulations reducing pollution from targeted sources until a safety level for smog pollution is attained. In other words, the States have this responsibility. If aircraft engines, the airlines, and air transport companies are not required to reduce their pollution, then somebody else has to do it. It might be the dry cleaner, it might be a small manufacturing company, it might be a bakery. Somebody has to reduce its, his, or her, emissions, and will probably have to do more and do it at a higher cost than if an overall look could be taken and seen where it can be done most economically. That might in certain instances pertain to aircraft engines.

This provision does not reduce regulation. It just shifts the burden to somebody else, somebody else who is not represented by a high-powered lobbyist that can send letters saying, "Take EPA out of this."

Mr. President, for these reasons, Senator BAUCUS and I are offering this amendment to remove the provisions creating duplicative regulatory authority and encouraging more cooperation.

What our amendment does is say, yes, there should be more cooperation between the FAA and EPA. The EPA should consult with FAA on these matters.

Now, Mr. President, let me just say the following: I am deeply disturbed by the trend that is taking place in connection with what I believe to be ill-advised efforts to cut back on environmental regulation. Here is one industry attempting to be exempted, then another, then another. We have a bill over in the House of Representatives dealing with immigration. What does it say? You can build a fence to keep out immigrants and you do not have to pay any attention to the Endangered Species Act. But that is not enough. They then go on to say pay no attention to the Endangered Species Act and, indeed, pay no attention to what is known as the National Environmental Policy Act. In other words, forgo all environmental regulations while you are building this fence. Build this fence in California between Mexico and the United States—oh, no, to build any fence anywhere in the United States, dealing with immigration, pay no attention to the National Environmental Policy Act.

Mr. President, this Nation was blessed in the early 1970's by a series of great Senators, and we know who they are. They are Ed Muskie, Jennings Randolph, Howard Baker, Bob Stafford, who in a bipartisan fashion brought forward in this Nation tremendous environmental protection laws, and whether you are talking the Clean Air Act or the Clean Water Act, the Endangered Species Act, the creation of the Environmental Protection Agency or the National Environmental Protection Act, whatever it is, those were the bills that were brought forward. They were brought forward because there was a need for them.

When the Cuyahoga River in Cleveland caught fire, it caught the attention of the people in the United States—something is wrong with the waters of this Nation. So we embarked on a \$60 billion program over the course of the years to clean up discharges from municipalities, and the industries, likewise, complied, because we had regulations. Now we have clean waters. At that time, one-third of the waters of the United States' lakes, rivers and streams were fishable and swimmable. Now two-thirds of the lakes, rivers and streams in the United States of America are fishable and swimmable, and every year that percentage increases. So we have been blessed by these laws.

I, Mr. President, find it discouraging and disappointing that constantly there is an effort to nibble away at those statutes. Here in this one, to remove the aircraft engine and the Air Transport Association's aircraft from the restrictions that have been applied, wisely, by the EPA over many years, and give it to another agency where they think they will find a much more sympathetic home.

Therefore, Mr. President, I hope we do not turn our backs on those magnificent achievements that were made in the early 1970's and continued since then, whether it is the control of toxic waste and the manner in which we dispose of them, whether it is what we did in the Clean Air Act in 1991, all of these statutes have been for better health and a better America. I, Mr. President, just hope we will not nip, nip, nip away at cutting back on these statutes that have meant so much to our Nation and the health of our people.

## EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,

*Washington, DC, September 12, 1996.*

Hon. LARRY PRESSLER,

*Chairman, Committee on Commerce, Science and Technology, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I have appreciated your past support for the important work that the Federal Aviation Administration (FAA) does to provide the American traveling public with safe and efficient air travel. I know you agree that a strong, effective FAA is absolutely essential for aviation safety in this country. The safety and security of our air transportation system have always enjoyed bipartisan support in Congress.

It is because of this shared vision that I urge you to enact—before Congress adjourns—the comprehensive FAA reform and reauthorization legislation contained in S. 1994. Without the timely enactment of this legislation, it will be considerably more difficult for the FAA to meet the safety demands of the traveling public.

This legislation will reauthorize funding for critical FAA safety, security, air traffic modernization, and research programs. It will also reauthorize the airport development grant program. In the absence of an extension of the airport grant program, FAA's ability to fund many important airport projects involving capacity, safety, and security will end October 1.

S. 1994 also contains critical provisions to help ensure a better way to finance the FAA. These provisions will help to ensure FAA has adequate resources in the future, but are also designed to provide appropriate incentives to users of the air traffic control system and ensure that the air traffic control system is used in the most cost-effective manner. A bill that does not contain the foundation for meaningful financial reform for the agency will undermine the FAA's ability to meet the safety and security needs of the traveling public, and lessen public confidence in our air transportation system.

Congress has already taken critical steps in the past year to provide FAA with needed acquisitions and personnel reform. It is imperative that Congress stay the course on these reforms and not tie FAA up once again with unnecessary red tape that will impact the efficiency of the air traffic control system and delay air traffic modernization efforts. The most significant step is to pass meaningful financial reform since these reforms will be limited without sufficient resources and budget flexibility for the agency. The lapse of the Airport and Airway Trust Fund taxes this year underscores the need to find a long-term, new funding solution for the FAA.

In consideration of the very significant budget constraints faced by the FAA, I urge the deletion of the new responsibilities that section 631(a)(1) of S. 1994, entitled "Aircraft Engine Standards," would impose on the agency. If adopted, this section would vest

responsibility to set aircraft engine emission standards with the FAA. Such responsibility would not only duplicate the responsibility and authority already vested with the Environmental Protection Agency (EPA) under the Clean Air Act, but would also require the expenditure of substantial resources to develop the level of expertise requisite to environmental rulemaking that already exists at EPA. It is our understanding that the Senate will exempt military aircraft from the overflight user fee proposed in section 673, and we do not object to that change.

I urge you to move the legislation to the floor and through conference expeditiously so that we can assure that FAA has the tools and resources necessary to meet its vital responsibilities to the American public. We look forward to working with you on this important effort, and thank you for your continued support of aviation safety and security programs.

Sincerely,

FEDERICO PEÑA.

Mr. CHAFEE. It is my understanding, Mr. President, that there will be set aside tomorrow before we vote, 15 minutes, of which Senator BAUCUS would have 10 minutes and I would have 5 minutes.

Mr. FORD. If it is all right with the Senator, I think I have it cleared with my colleague. I ask unanimous consent this amendment by the Senator from Rhode Island, Mr. CHAFEE, be set aside until tomorrow, and that before the amendment is voted upon, there be 15 minutes of debate, 5 minutes for the Senator from Rhode Island and 10 minutes for Senator BAUCUS of Montana.

Mr. CHAFEE. Mr. President, that is fine.

The PRESIDING OFFICER. Do I understand the Senator's request that all the time reserved would be for the proponents of the amendment?

Mr. CHAFEE. I am agreeable.

Mr. FORD. What I am trying to do is give them 15 minutes. That does not preclude me or anybody else from taking time because they get a minimum of 15 minutes tomorrow.

If I want to oppose the amendment I will oppose it and take 30.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Whatever time we get, perhaps it would be best if it were evenly divided.

Mr. FORD. Mr. President, I withdraw my request.

Mr. CHAFEE. I make the request, if I could. I think it is fair that the opponents get some time. I am not trying to cut anybody out of time.

Mr. FORD. Mr. President, we will just set this amendment aside and take our best hope tomorrow and go.

Mr. CHAFEE. And reach a time agreement tomorrow?

Mr. FORD. That would be fine. I do not know how much time in opposition because I have not had much information tonight relating to the opposition to your amendment.

I suspect, since you have offered the amendment to take it out of the bill, that there will be a lot of work going

on tonight and there will be a few people who will want to speak against your amendment tomorrow.

Mr. CHAFEE. Could I ask this, Mr. President: Is there a time certain set to vote tomorrow on this measure?

Mr. FORD. No.

The PRESIDING OFFICER. There is not. There is no time certain set for a vote tomorrow on this measure.

Mr. CHAFEE. It is my understanding since we have not agreed on anything that there is no time agreement.

Mr. FORD. That is correct. The only thing I was attempting to do here—if there are other amendments that come up, we will set yours aside. Once that amendment is taken care of, yours will come back as the pending business. That is what I am trying to do, because there will not be a vote tonight.

Mr. CHAFEE. That is fair enough. We will work it out tomorrow.

Mr. FORD. Sure, we will.

Mr. CHAFEE. I am perfectly prepared, and I want to make sure that the opponents get whatever time they want. Thank you.

Mr. KYL. Mr. President, I rise to comment on the FAA authorization bill. Although I recognize the necessity to authorize certain FAA activities, such as the Airport Improvement Program [AIP], I am concerned with two provisions in the bill. I appreciate the hard work that the managers have put in on this legislation, and I thank them for the opportunity to speak on this bill.

I support the reauthorization of FAA activities, believing that the managers have succeeded in funding the AIP program at the appropriate level. It is important to many airports and travelers around the country that Congress finish its work in this area. For example, in my home State of Arizona, officials from the airports in Phoenix, Chandler, Glendale, Yuma, and Tucson have contacted me in support of the AIP program. The FAA has projected that the number of passengers in the domestic aviation system will reach 800 million annually. The American Association of Airport Executives and the Airports Council International-North America recently completed a comprehensive study on the capital needs of U.S. airports. The study concluded that the Nation's airports have capital needs around \$10 billion annually. So I urge my colleagues to support the authorization of the AIP program.

While I support parts of the bill, I must comment on two provisions which I believe Congress must be careful in implementing. First, there is a provision that would set up an independent task force to study how FAA activities may be funded for many years. I am concerned that the task force may be used to implement a user-fee system. I ask that the chairman and the ranking member to work with the task force to ensure that all areas of aviation are heard. Many in my State have expressed concern about

funding FAA activities with a user-fee system. I believe it could have a negative effect on such local airlines as America West and Southwest. Arizona is also a State with many citizens who pilot their own planes, and I am advised such a system could harm the general aviation industry. I support the current ticket-tax system and I am glad that Congress approved its temporary extension as part of the small business tax relief bill.

My second concern is that the parts of the bill that address aviation security will not adequately protect us. I know that it is easy to get caught up in the apprehensions created in the wake of the crash of TWA flight 800. We all want to make aviation a safer means of transportation, but we must have the proper priorities. I believe that any changes to aviation security should focus on greater intelligence gathering. If the explosion on TWA flight 800 was a bombing, it was a terrorist attack not on a particular airline but against our whole country. We must take strong and concerted steps as a nation to deal with such heinous attacks. A strong intelligence system is the key here. Recently, the Air Transport Association made several recommendations to the White House Commission on Aviation Safety, chaired by Vice President GORE. I would like to make note of two of ATA's recommendations. First, the association told the Gore Commission that there must be an increase in the amount of funding available to develop the software necessary for automated passenger profiling—that is, profiling of suspects who may be traveling the airways. ATA member airlines, according to the association, are committed to the full implementation of automated passenger profiling through their reservations systems. Second, ATA recommended that the commission should establish strong, new inter-agency coordination requirements to ensure the timely, accurate, and comprehensive communication of detailed intelligence assessment information necessary to permit the informed participation of the aviation industry in responding to identified threats. Mr. President, there will be many antiterrorist initiatives which I believe will help thwart terrorist attacks, such as more advanced detection devices and bomb-sniffing dogs. However, I believe that our priority must be to develop ways to enhance the tracking of those persons already identified as a threat to the general public.

I urge the chairman and ranking member to make note of my concerns, and I thank them for the opportunity to discuss the issues.

Mr. FORD. 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. FORD. 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. FORD. Mr. President, we are nearing the witching hour of the unanimous-consent agreement on the amendments that will be considered tomorrow. I have proposed to my colleague that even those amendments that we have included in the managers' package be listed, in case there might be some wording change that might be needed. If they are not on the list, therefore, it would be difficult, parliamentary wise, for them to be accommodating. I don't want any of my colleagues not to have the ability to change a word or something like that tomorrow. I don't think we ought to get into a unanimous-consent agreement on changing. Then we get unanimous-consent agreements for additional amendments. Of course, I would like to get them cut off tonight if at all possible.

So we will have at least one more amendment that will be offered. Then we are looking at around 8:15, or somewhere in that neighborhood, for a unanimous-consent agreement on the finite list of amendments for S. 1994.

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

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending FAA bill, that they be subject to relevant second-degree amendments, and following the disposition of the listed amendment, the bill be advanced to third reading, and the Senate immediately proceed to Calendar No. 588, the House companion bill, all after the enacting clause be stricken, and the text of the Senate bill, as amended, be inserted, and H.R. 3539 be immediately advanced to third reading.

The list is as follows:

Pressler, relevant; Lott, relevant; McCain, relevant; Inhofe, emergency revocation; Warner, PFC; Warner, rapidly growing airports; Santorum, relevant; Brown, bidding; Brown, relevant; Roth, aviation trust fund spending; Roth, task force; Roth, user fees; Roth, committee consultation; Thurmond, reliever airport criteria; D'Amato, relevant; Gorton, relevant; Burns, medical certificates; Domenici, three relevant amendments; Helms, airports; Simpson, airport safety; Jeffords, pension audits; Nickles/Lott, pensions; Baucus, FAA aircraft emissions standards, with Chafee; Breaux, relevant; Boxer, cruise ships; Bryan, two relevant amendments; Byrd, one relevant amendment; Conrad, two relevant amendments; Daschle, two rel-

evant amendments; Dorgan, transportation; Exon, relevant; Ford, two relevant amendments; Graham, relevant; Harkin, slots; Heflin, Alabama Airport; Hollings, relevant; Inouye, relevant; Kerry, relevant; Moseley-Braun, train whistle, with Wyden; Reid, state-supported terrorism; Simon, pensions; Wyden, train whistle, with Moseley-Braun; Wyden, three relevant amendments.

That completes the list.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I would like to make a point here. Many of these amendments are included in the managers' amendment to the bill. This is so that there will be no problem tomorrow with our colleagues coming in and saying we did not get the right language or the right words, they are covered under this situation. If the managers' amendments are all right, we will strike them off. I think you will find that about two-thirds of these will be gone; at least two-thirds of the relevant amendments will be gone. So when you get right down to how many amendments we will have tomorrow, it will be very few.

I hope we can expedite the passage of this legislation. I wanted my colleagues to be sure that we are trying to protect them, so that they won't come in here tomorrow and say we have done something wrong and words were left out.

I wanted to be sure that everybody understood that. And that is one reason that the list is so long because we have basically taken care of most of them.

So I thank my friend for what he is attempting to do here. I think it is the right thing to do.

Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. 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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I rise because I want to support this legislation to reauthorize many of the FAA programs and to do what we can to improve our Nation's system of aviation security, a subject I have had a longtime interest in. I did serve on the Pan Am 103 Commission that reviewed what took place there and was one of the authors of the recommendations that were submitted in 1990.

First, I commend my colleague, my friend from Kentucky, Senator FORD, and my colleague, the Senator from Arizona, Mr. MCCAIN, for their work on this issue. It is not only a critical



issue, but the timing certainly is critical in terms of some response that we have to have to what has been taking place. Terrorist threats to our aviation system as well as our general living in this country certainly call for a response from this body and from our colleagues across the Capitol to try to do something to improve a system that is fundamentally pretty good. As a matter of fact, it is very good.

I could not have faced, as I have in the State of New Jersey, people who lost loved ones on Pan Am 103 in 1988 nor those who lost family members, friends, loved ones on TWA 800—I was in Long Island shortly after that plane went down. I was out there a couple of weeks ago with the Secretary of Transportation, met with the FBI, people from the NTSB, people from the Bureau of Alcohol, Tobacco and Firearms. I could not have faced any of the surviving families and said to them, be assured; the system is safe. The fact that they lost a son, a daughter, a mother, a father, a brother, a sister, a child is enough to say the system is not safe enough, that regardless of how efficient the system is, it is not efficient or sufficient as we see it in our family's grief and our family's emptiness.

And so, Mr. President, it is not simply, although a critical part of the issue, aviation security, safety overall, a necessity to bring the system up to the capacity the public currently demands. The projected figures of growth in aviation travel are almost exponential in terms of the size of the base; over 500 million people a year enplane to go different places from within the States and from the United States to other airports—but to make sure that not only can they travel safely but efficiently, with airplanes leaving on time, with the investments in the system being made in a timely and businesslike fashion to make certain that the taxpayers' money, the travelers' taxes or fees are invested in a way that reflects serious interest in getting this system up to the capacity that is presently there and ultimately will be demanded.

Mr. President, this legislation is essential to our Nation's aviation system. Importantly, the bill would extend the authorization for the Airport Improvement Program, what we affectionately refer to as the AIP. We will make some reference to that. Without that authorization, critical infrastructure funding for airports will just not be available. At the same time, it is important to emphasize that this authorization is not sufficient, as I said earlier, to keep up with our Nation's airport needs.

In addition to enacting an authorization bill, the aviation trust fund needs to be adequately financed and the expenditures to be replenished, and that is going to require either an extension of the existing ticket tax, as we heard from our colleague from North Dakota some moments ago, and we heard from the two managers of the bill, or some other financing mechanism. Otherwise, even if the bill before us is enacted, the

trust fund will run out of money next year.

To some who may be listening, that would sound like an abstraction—the trust fund runs out of money. But if it does run out of money, and if we are unable to make the improvements that are required, the public can look forward to further delays, to further inconvenience, and to increased costs substantially for the improvements we ultimately must make. We cannot let that happen. I strongly urge my colleagues, especially those who serve on the Finance Committee, to act before December 31, when the existing tax will expire, to address this problem.

I would like to turn for a moment to the provisions in this legislation that are of particular interest to me and on which I have worked fairly extensively, and that is aviation security.

This legislation does not represent a comprehensive aviation security plan. However, in conjunction with the ongoing efforts of the Gore Commission and the Aviation Security Advisory Committee, it will help to tighten aviation security at our airports and on our airways.

When I say it is not a comprehensive aviation security plan, I do not want any misinterpretation to occur. I do not want to suggest that my colleagues who brought this bill to the floor have been less than diligent. They have been. They have surmounted enormous obstacles to get the bill to this point on this night. The provisions in this bill are needed to enhance the aviation security system, but by themselves they are not sufficient. They are a significant beginning.

Two months ago today for us here, an eternity for those who lost family members on TWA flight 800, it hardly seems that enough has happened since that airliner was destroyed and fell into the waters just south of the Long Island seashore. Still, at this time, with the most diligent effort, painstaking work, having created a record number of dives into the sea of any Navy mission ever undertaken—over 2,000 dives were taken to try to pick up the remnants of TWA 800 off the sea floor—we still have no conclusive evidence.

But, regardless of what the cause was, we know that we have to do something to improve the safety of the traveling public, even though, as I said earlier, the system is fundamentally very safe. When my children or my grandchildren, the members of my family, fly, I send them off with full confidence that the system is working well. And, Lord grant us, I hope that always proves to be the case. But we can always make it a notch safer.

Unfortunately, the definitive proofs may lie yet on the ocean floor. It still appears that terrorism is the likely cause of the disaster, but we dare not draw conclusions until the evidence is clearly at hand.

The crash of TWA flight 800 reminded me of a similar tragedy almost 8 years ago. I have exceptionally vivid memories of the downing of Pan Am flight

103 over Lockerbie, Scotland. After that crash, I helped to create, with President Bush's encouragement and that of others here, the President's Commission on Aviation Security and Terrorism. I sponsored the Aviation Improvement Act of 1990, with others, which was enacted into law. There is no question that, as a result of the work done at that time, that security was improved. But the world has changed. This latest tragedy has focused renewed national attention on the terrorist threat to American aviation and to the American traveler. It is a threat that will continue to increase in scope and sophistication. No one here believes that we are doing all we can to fight the ongoing expanding threat of terrorism. It has become, for us, one of the most difficult situations that we as a free society and other free democratic countries face.

The growth of terrorism is an enormous threat because, not only is it the work of madmen who, at times, are willing to give their lives or to recommend that their sons give their lives to be martyred in some fashion, but the sophistication of the weapons, bombs in containers the size of a watch with the impact of TNT—it is an enormous threat and it is a threat that we have to work ever harder to contain. No aviation security system is foolproof, we know that. But we also know that we can do much more to deter the terrorist threat.

TWA 800, like Pan Am 103, was a wake-up call, and we need to respond as quickly as we can. Shortly after the TWA crash, I introduced the Aviation Security Act. My bill, S. 2037, would enhance security at domestic airports by instituting a truly comprehensive security system. The legislation calls for tightened security to check baggage, cargo and mail, and increase screening, training and job performance measures for security personnel at our airports. My bill also requires that passenger profiles be undertaken on a routine basis and that state-of-the-art explosive detection devices be installed in those airports that have the greatest security risk.

To address the needs of families of victims and survivors, the bill establishes an Office of Family Advocate, an office that would be responsible for developing standards for informing, supporting, and counseling the families of victims of airline disasters.

Finally, I suggested the increased security measures be funded by a fee of not more than \$4 per round trip ticket, a figure that was recommended by those responsible for aviation security working in the Department of Transportation. It was believed that, with that investment and other sources of revenue, we could do a lot more to preserve the safety of our airplanes and to deter the threat of a terrorist attack. I am pleased that many of the ideas contained in my legislation have already

been adopted by the administration and are included in recommended rules and regulations. Shortly after the TWA crash, President Clinton established the White House Commission on Aviation Safety and Security. That commission, now known as the Gore Commission, worked with the already-established Aviation Security Advisory Committee to develop a plan to meet the challenges posed by the proliferation of terrorist groups.

The Gore Commission issued its recommendations last week, and the President moved immediately to implement them. They are a good first step toward strengthening aviation security. The bill before us includes many of the commission's recommendations. I am pleased that the legislation was worked out in a cooperative, positive, bipartisan manner, and that is as it should be when it comes to something as important as keeping our airlines and our people safe.

This bill directs the FAA to begin deploying state-of-the-art explosive detection devices, ensuring that the flying public is protected by the most technologically advanced system. It also requires that personnel who operate security screeners be subjected to background checks, as are most other airport security employees. It requires that the NTSB and the FAA begin developing a "right to know" program which would let consumers know about the airlines' accident and safety records. The bill also directs the FAA to continue working with the airlines in developing programs identifying high-risk passengers and high-risk destinations.

In addition, this legislation recognizes that aviation security needs are constantly evolving. The best laid plans are worthless if they are not implemented in a timely fashion and monitored regularly. The bill requires that each airport and each air carrier conduct vulnerability assessments on their own, or comprehensive self-audits of their entire security systems. These assessments will enable both the airport and the air carriers to know their own systems and their weaknesses and will encourage them to make the needed changes over time.

Because terrorists look for cracks in the security systems, the bill would require the FAA to stay one step ahead by finding those breaches first. Under the bill, the FAA could conduct periodic, unannounced, and sometimes anonymous tests of airport and air carriers' security systems. This would keep the airports and air carriers on their toes and provide the oversight needed.

Both of these provisions were addressed in the bill I introduced in August. Other provisions of the bill require the administration to issue reports to Congress on their implementation of a number of the Gore Commission's recommendations. For example, the President ordered heightened security measures for air cargo, and the

Gore Commission recommended a pilot program to ensure that checked baggage is matched with passengers who actually board the plane. We will need to know the results of these initiatives so Congress can evaluate the need to do more.

One thing we do know. The Nation's aviation system is in need of change, in need of improvement. We have waited too long to implement the reforms. This legislation makes an important contribution to that effort.

Mr. President, our work cannot stop there. We need to ensure that all promised reforms are appropriately implemented and in the spirit in which they were intended.

So I express my appreciation, once again, to Senator HOLLINGS, Senator FORD, Senator PRESSLER, Senator MCCAIN, and Senator HUTCHISON for their cooperation on this legislation.

I also thank the many aviation security advocates, the families of the victims of airline disasters, airports, air carriers and many others to implement sound and secure reforms.

It is obvious, Mr. President, this legislation will not solve all of our problems. However, as I earlier mentioned, this is an important step that will make our skies safer for the public, make a meaningful contribution in our battle against terrorism, and will indicate to the public that the U.S. Government is interested in what I will call their plight, their concerns, their anxiety. We have to put those to rest, and the best way to do it is to do something about it, as we are with the bill before us.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from New Jersey, Senator LAUTENBERG, for his work on this bill, along with Senator HUTCHISON. He is one who is very knowledgeable on aviation issues and has been involved for many years.

I express the appreciation of all of us who have been involved in this legislation for Senator LAUTENBERG and the efforts he made which dramatically improved this legislation.

Mr. President, I ask unanimous consent that all relevant amendments be filed by 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, just so I understand the procedure, does that mean we will not go through the amendments this evening necessarily?

Mr. MCCAIN. We will try to dispense of as many amendments as we can this evening. What I was going to say, after gaining a unanimous-consent agreement, is that the majority leader and the Democratic leader have said that they won't spend more than an hour or so additional time after 11 o'clock to-

morrow. If we cannot get these amendments resolved and taken care of within an hour or so, the bill will be pulled. I think that would be a terrible thing to happen, given the absolute urgency of this legislation, not only funding the aviation system but many of the issues that the Senator from New Jersey propounded.

So we are trying to get the amendments disposed of as quickly as possible, and after 11 tomorrow, when all amendments are going to need to be filed, if the unanimous consent request is agreed to, we do not anticipate being on the bill more than an hour or so.

Mr. SIMON. I would like to accommodate the Senator from Arizona. So your preference would be that I go ahead with this amendment this evening?

Mr. MCCAIN. That would be my preference.

Mr. SIMON. I have no objection.

Mr. MCCAIN. If the Senator from Illinois would show his usual courtesy which he is known for throughout this body, I would very much appreciate it.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would it be in order for the managers to receive the amendment of the Senator from Virginia?

Mr. MCCAIN. All amendments listed must be filed.

Mr. WARNER. That is correct. I am prepared briefly to handle two amendments, I say to my distinguished colleague.

Mr. MCCAIN. I say to the Senator from Virginia, I appreciate that, but that would not affect this unanimous-consent agreement.

Mr. WARNER. I did not mean to interrupt. I did not realize we had not achieved it.

Mr. FORD. Reserving the right to object, Mr. President, I regret I have to do this. We have a call in, in fact two of them. I will have to object to the unanimous-consent request at this time, and I will have to get on the phone to see if I can straighten this out.

Mr. MCCAIN. Very briefly, I ask my colleagues, especially the objections that just came in, I do not believe that it is unreasonable to ask the amendments be filed by 11 o'clock tomorrow. I hope that we can resolve those objections. It is agreed to on both sides that we need to get this legislation passed. I hope that the Senator from Kentucky can use his usual powers of persuasion and get this resolved so that I can propound, again, this unanimous-consent request, and we can get it accomplished tonight. Until such time as that, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Arizona

and the Senator from Kentucky. I will proceed with two amendments. I have discussed this with the managers, and we are prepared to handle both. Before doing so, I noted that our distinguished colleague from Arizona recognized the Senator from Illinois and made specific mention of his reputation in the Senate for courtesy. We shall dearly miss him when he departs because, indeed, he is an example of senatorial courtesy.

## AMENDMENT NO. 5362

(Purpose: To provide for the use of passenger facility fees for a debt financing project)

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5362.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8, strike lines 14 through 17 and insert the following:

paragraph (D); and

“(B) by striking subparagraph (F) and inserting the following:

“(F) for debt financing of a terminal development project that, on an annual basis, has a total number of enplanements that is less than or equal to 0.05 percent of the total enplanements in the United States if—

“(i) construction for the project commenced during the period beginning on November 6, 1988, and ending on November 4, 1990; and

“(ii) the eligible agency certifies that no other eligible airport project that affects airport safety, security, or capacity will be deferred as a result of the debt financing.”

Mr. WARNER. Mr. President, I rise today in support of a provision contained in the House-passed Federal Aviation Administration Reauthorization Act which would make a very narrow change, referred to as a PFC; that is passenger facility charge. This is a measure put in the House legislation by my distinguished colleague and personal friend, Congressman BLILEY. Congressman BLILEY, as we know, is chairman of the House Committee on Commerce. I join him in this effort.

This provision would allow a nonhub airport in my State, Charlottesville—that is Albemarle—to be eligible to use its own PFC passenger facility charge authority for debt service associated with its passenger terminal project. They just completed a very fine modernization program.

The FAA's PFC regulations have always allowed eligible projects to be refinanced with PFC dollars after—after, Mr. President—they have been completed, provided only that the notice to proceed with construction was given after November 5, 1990. These are highly technical provisions.

The House bill has the Bliley provision which relates only to the date—and I urge my colleagues to take note

of that—the date when construction of an otherwise eligible PFC project was begun and should not adversely affect any other airport in the United States.

I have discussed this with the managers, and I rely on the judgment of both managers that this matter will be addressed with fairness and objectivity in the conference. And at the specific request of the managers, and to accommodate this with the understanding this will be addressed in conference, Mr. President, I ask at this time that the amendment be withdrawn.

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

The amendment (No. 5362) was withdrawn.

## AMENDMENT NO. 5363

(Purpose: To provide for additional considerations for the selection of projects for grants from the discretionary fund)

Mr. WARNER. Mr. President, I send a second 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 Virginia [Mr. WARNER] proposes an amendment numbered 5363.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 10, line 23, strike “(4)” and insert “(5)”.

On page 11, line 4, strike “and;”.

On page 11, between lines 4 and 5, insert the following:

“(4) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which, during that period, the number of passenger boardings was 20 percent or greater than the number of such boardings during the 12-month period preceding that period; and;”

Mr. WARNER. Mr. President, I further thank my colleagues for the inclusion of this amendment for high-growth airports. These are the commercial airports which logically would be experiencing infrastructure and facilities problems as a result of their rapid growth, making the adoption of this amendment, I think, in the interest of all parties.

At this time, I urge the adoption.

Mr. McCain. Mr. President, the managers of the bill—and I have discussed this with Senator Ford—have no objection and we appreciate, by the way, Senator Warner's agreement to withdraw his previous amendment, given the fact that it would have been somewhat controversial. I do assure him that proposal of his will be treated with utmost concern and scrutiny in the conference.

We have no objection to the amendment, Mr. President, and I yield the floor.

Mr. WARNER. Mr. President, if I might ask my colleague, I thank him very much for the first amendment.

There is a second amendment pending. I urge its adoption. I presume it is acceptable to the managers.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 5363) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCain. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like to engage the Senate for just a few more minutes with regard to a second matter.

Mr. President, I have been involved for many years in seeking to devise a legislative solution to the constitutional issues that exist due to the decisions of the Congressional Board of Review, as that board has jurisdiction over Dulles and National airports.

Mr. President, the Senate may recall that many years ago I introduced a bill, together with my then-colleague from Virginia, Senator Tribble, by which these airports became subject to this particular board of review. It enabled these airports then to begin to proceed to get the needed dollars and financing to modernize both Dulles International and Washington National Airports.

This amendment, S. 994, the Federal Aviation Reauthorization Act of 1996, which is almost identical to S. 288, as reported out of the Senate Committee on Commerce, Science, and Transportation, provides a necessary cure to a constitutional deficiency, as defined by the Federal courts, in the structure of the Airports Authority. The Airports Authority is involved in the operations and improvements of our two airports that serve the Nation's Capital and the Washington region, again, Washington National and Washington Dulles International.

In April 1994, the Court of Appeals for the District of Columbia Circuit found that the Board of Review, made up of current and former Senators and Members of Congress, violated constitutional separation of powers principles. This was the second time the Federal courts struck down the Board of Review, which was designed to represent users of the airports and to preserve some Federal control over them.

The Court of Appeals stayed its decision until the Supreme Court had time to consider the issue. The Supreme Court decided not to hear the case in January, and the stay expired March 31, 1995.

At this juncture, all Congress is required to do to keep the airports in operation is to pass this legislation. Such continued uninterrupted operations are essential to the travel requirements of Members of Congress as well as all people in the greater metropolitan Washington area. It is essential to the economy of this area, Mr. President; and, therefore, I am pleased to submit this.

We are at a point in the current and projected operations of Washington National Airport and Washington Dulles International Airport whereby if we do not act promptly, the Airports Authority board of directors will lose its power to take basic critical actions, including, most importantly, Mr. President, the ability to award contracts, issue more bonds—that is the financing structure—amend its regulations, change its master plans or adopt an annual budget. In other words, it really is brought to an end in its operations. And this is not the intention of the Congress.

For this reason, I find it necessary to offer this amendment today, despite my own personal objections—I must say on behalf of myself and my distinguished Governor, George Allen—to the addition of two new Federal appointees to the Metropolitan Washington Airports Authority to keep our Washington National and Dulles International operational and functional.

Mr. President, I thank my colleagues for the inclusion, and acceptance by the managers, of this amendment in S. 1994, the pending measure. Mr. President, I thank again the managers, and yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to make a few comments on this piece of legislation, the Federal Aviation Administration Reauthorization Act of 1996, which I introduced. I believe it represents a solid legislative accomplishment for this Congress and for air service to small cities, such as those located in my home State of South Dakota.

This bill, which I commend the leadership on both sides of the aisle for who have worked on it, must pass the Congress before the end of this session. Otherwise, we will not be able to provide Airport Improvement Program [AIP] grants to our airports across the country.

The bill will more than double the size of the Essential Air Service [EAS] program to \$50 million per year. That will directly help cities, such as Yankton, Mitchell, and Brookings in my State. The EAS program was the result of an agreement when we deregulated the airline industry and Congress wanted to ensure our smaller cities did not lose air service altogether.

It also will protect small airports and the way AIP funds are allocated. Let us remember that we depend heavily on our major airport hubs, but we also depend on a lot of smaller cities to feed passengers into those hubs to make our national air system work. And it is not just in South Dakota, it is also in California—Fresno or Sacramento—or upstate New York.

We must remember that small cities such as Aberdeen, South Dakota, which recently received a grant to repair its main runway, and others depend heavily on AIP funds. This bill has a fairer

formula to protect small airports if AIP funds decline.

Mr. President, this bill also requires a study be prepared on air fares to rural and small communities. The price of flying to and from some of these small airports are just astronomically high. For example, if you travel from Rapid City to Denver, and then go on to your destination, your flight from Rapid City to Denver may be the most expensive part of your trip.

Throughout my State I hear complaints about the cost of airline travel. In some cases, it can cost as much to get to the hub airport as it does to fly from the hub to London. I believe this study will be very helpful in assisting Congress in its understanding of what is going on with the cost of air travel to and from small communities.

This bill will also improve aviation security in our small cities without unfairly imposing burdens and expensive requirements on small airports and small airlines.

Let me briefly address each of these benefits for small community air service.

In 1978, Congress recognized that all cities would not participate equally in the benefits of airline deregulation. In fact, Congress realized some of our smallest cities might lose air service altogether. To address this threat, Congress wisely put in place the EAS program to ensure our smallest cities would continue to have air service. Without such service, communities such as Brookings, Mitchell, and Yankton in my home State, would be virtually cut off from the national air service network.

It is very important to these smaller towns that they be a part of the national air service network. With air service as well as telecommunications capability, small communities can grow and be dynamic contributors to our national economy. In fact, with the advances in telecommunications, smaller cities are now on an equal footing with bigger cities in terms of attracting industry. Small hospitals can do as sophisticated procedures as big hospitals by using telecommunications; and smaller universities can share in research projects with larger universities. Telecommunications capability alone, however, is not enough. It is critical that small cities also have reliable and affordable air service. And that is what this is all about. Make no mistake about it, the EAS program—since it ensures air service to our smallest and most underserved cities—is absolutely critical to the economic vitality of many small communities.

Mr. President, I am delighted that this bill, S. 1994, will more than double the size of the EAS program. The \$50 million EAS program this bill would create will safeguard air service in some small communities and permit an expansion of flights in others. It is a solid legislative accomplishment for economic development in numerous small communities.

S. 1994 also will help promote and maintain some of our smallest airports which are critical to adequate air service in small cities. The AIP program has been under significant budget pressure. The amount of AIP appropriations have fallen significantly since 1992, and our small airports have shouldered the unfair, disproportionate burden of these budget cuts. Since AIP funds are often the only source of funding for repairs and safety improvements at small airports, our small airports have suffered significantly as a result.

I am pleased that this bill will correct this problem. We worked long and hard on this formula. The bill ensures that if AIP funding declines, our small airports will be protected and will continue to receive their historic share of AIP funds. This is good policy. It is fair policy. And it is very important to small city air service.

In addition to expanding the EAS program, and protecting the AIP funding of our small airports, S. 1994 will require a study of air fares to small communities. This is very welcome news for South Dakotans and other small city passengers who unfairly pay exorbitant air fares. We need more air service competition in small city air markets. Hopefully, in addition to highlighting the extent of the high air fare problems in small communities, this study will offer new insights on how air service competition in small communities can be enhanced.

Finally, S. 1994 resisted the temptation to impose expensive security measures on our small airports and small communities. In contrast, the House recently passed a provision based on the erroneous premise that one size fits all in aviation security. The Senate, however, correctly recognized there are thoughtful ways to ensure travelers to and from small cities have the same level of safety and security without imposing the identical, expensive security measures required for international airlines and major hub airports.

A one size fits all approach to aviation security undoubtedly would lead to a further deterioration of small city air service. I am pleased S. 1994 will improve aviation security for small city travelers without having the unintended consequence of driving air service out of some of our smaller cities.

Mr. President, let me make some additional general observations about air service. Somehow all this gets tied together.

We have on the international front this past year had great struggles in helping our major airlines fly beyond Tokyo by ensuring the Government of Japan recognizes their beyond rights. Similarly, our major carriers continue to be blocked out of serving London's Heathrow Airport and points beyond the United Kingdom. We did, however, secure a truly historic open skies agreement with Germany which is great news for the United States economy and our carriers. The United

States/German open skies agreement will put competitive pressure on the United Kingdom and France and ultimately should help to force both countries to agree to open skies accords in the future. We must continue to put competitive pressure on the British and the French by fully utilizing our liberalized aviation agreement with Germany.

Let me underscore my great concern with the current impasse in our aviation relations with Japan. The Japanese continue to wrongly block our carriers from serving the United States/Asia air service market via Japan. This continues to be a significant problem for Jerry Greenwald of United Airlines and Fred Smith of Federal Express. It also is a major problem for Northwest Airlines, the largest carrier in South Dakota. I have led efforts by the Commerce Committee to help correct this totally unacceptable situation. Along with my colleagues, we have sent letters to the President urging that the Administration stand firm in our aviation dispute with the Japanese and accept nothing less than fair treatment for our carriers in the area of aviation trade.

I intend to continue pressing for fair aviation trade with the Japanese. The United States/Asia air service market, as well as the intra-Asian air service market, is far too valuable to concede to Japanese carriers. It is vitally important to our balance of trade that our airlines can use Japanese airports to serve countries throughout Asia such as China, Indonesia and Malaysia. Make no mistake about it, international aviation is an important component of U.S. trade. Our negotiators must continue to treat it as nothing less. It is completely unacceptable that our carriers, both passenger and cargo, continue to be blocked out of lucrative air service markets beyond Japan and the United Kingdom by unfair trade practices.

Even when our large airlines are operating thousands of miles away from the United States, their ability to successfully compete abroad has an indirect impact on their financial ability to serve some domestic markets. In fact, large and small airlines work synergistically to provide air service through code-sharing agreements. For instance, I have had an excellent experience with Doug Voss of Great Lakes Aviation which is a key regional carrier in my home state of South Dakota. Great Lakes operates as United Express in South Dakota and the success of United abroad has a bearing on the service United Express can provide in small city air service markets such as the route between Sioux Falls and Rapid City in my state.

I have had discussions with airline executives where they say, "Senator PRESSLER, as chairman of the Commerce Committee, can you help us gain access to Heathrow or assist us with our beyond Tokyo problem?" And I say, "Yes, I will try to help but I have

problems between Sioux Falls and Rapid City where I would like help, and I have problems between Huron and Denver and problems between Yankton and Minneapolis," and so forth. The more successful our carriers are in lucrative international markets, the better able they are to serve less profitable small city air service markets. The international picture is tied into the local picture in our country.

As far as the national air service picture in this country is concerned, we have only built one new airport since 1974—Denver International Airport. Even that airport is struggling to complete all of its planned runways. Capacity in many airports is nearly full. Regrettably, a lack of airport capacity is a barrier to entry for new airlines. There are only so many slots and so many gates at our airports. Chicago has tried to build a new airport but because of environmental concerns, neighborhood concerns, and noise concerns it has almost given up. Minneapolis-St. Paul thought about building a new airport but got so much local resistance that they have given up.

The point is our airports are crowded. They are pressing up against their capacity. It is true advanced air traffic control technology will help move commercial airliners more efficiently from point to point. However, airplanes need adequate runway capacity. Also, airplanes need adequate access to gates. Without either, the benefit of air traffic control improvements will be lessened. The point is we have to make some decisions in our country about building infrastructure or we will have our airlines in a stalemate and not being able to expand. Significantly, newer competitive entrants will be blocked out of markets and consumers will be deprived of the benefits vigorous air service competition brings.

Our airport capacity challenges are not going to go away. In fact, they clearly will escalate as more and more people fly. Currently, more than 1.5 million people board commercial airplanes in the United States each and every day. Within the next four years, the number of daily boardings is forecast to climb to almost 2 million. We cannot ignore our airport infrastructure challenges. We should meet our long-term transportation infrastructure challenges head-on.

Airport capacity is but one of many challenges. Aviation is another critically important challenge. Our people expect the finest aviation safety system in the world. I am committed to working to ensure our travelling public receives nothing less than that. Currently, I serve as a representative to the Gore Commission on Aviation Safety and Security. As Chairman of the Commerce Committee, I have held numerous safety oversight hearings this Congress. In fact, we held a closed hearing on aviation security just this morning which included FAA Administrator David Hinson. In the past, on numerous occasions we have heard tes-

timony from the National Transportation Safety Board, and its Chairman Jim Hall, who is doing an outstanding job.

The point I am making is that all these problems of aviation—international, national, and local—tie together. We have a very challenging situation to meet the aviation needs of our country both locally, nationally and internationally. This bill before the Senate which reauthorizes the FAA is a step forward. It is a good bill. It has been worked out carefully and in a bipartisan manner. It is a key part of that big picture that I covered so briefly here. I am proud to have worked with Senators MCCAIN, FORD, STEVENS and many others. I am glad to enthusiastically support this bill and urge my colleagues to do so as well.

I yield the floor.

#### AMENDMENT NO. 5364

(Purpose: To amend the Employee Retirement Income Security Act of 1974 with respect to the auditing of employee benefit plans)

Mr. SIMON. Mr. President, I offer an amendment on behalf of Senator JEFFORDS and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself and Mr. JEFFORDS proposes an amendment numbered 5364.

Mr. SIMON. Mr. President, I ask unanimous consent 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 in the bill, insert the following new section:

#### SEC. . PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

"(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan."

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (C)(i)".

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking "(C) The" and inserting "(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

Mr. SIMON. It will be a great disappointment but I will only speak

about 5 minutes on this amendment. I offer this amendment on behalf of Senator JEFFORDS and myself, an amendment that does not have anything to do with aviation, but we need a vehicle on a bill that is eminently sound and is really needed.

Mr. President, we have right now \$3 trillion worth of pension funds that are backed by ERISA. Of those \$3 trillion, better than \$2 billion, almost \$2.1 billion, are adequately audited.

The GAO and the inspector general of the Department of Labor say that we should do away with what is called the limited scope audit. Now, what is a limited scope audit? A limited scope audit permits a bank or an insurance company simply to sign a statement to a pension fund, saying we have \$300 million in assets, period. This bill does away with that because we have \$950 billion worth of taxpayer funds at risk if we do not modify this. That is what GAO tells us and this bill is what GAO has recommended.

Let me just add, this does not require the pension fund to go in an audit. I assume a bank or an insurance company will have their own auditor. This simply says we need an audit report, not simply a one-line statement saying that they have so many million dollars in assets.

Let me just read one section here: "If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic"—and so forth.

So we permit those institutions to use their own audits.

I was stunned, frankly, when I heard that we do not have adequate auditing on \$950 billion worth of employee pension funds. That is what this takes care of. The accounting profession is for it. People who have examined this are astounded that we have not done it before. I understand the reluctance on the part of the Senator from Arizona to take an amendment that has nothing to do with aviation. But if we are going to protect the taxpayers on this—and I know my friend from South Dakota, the Presiding Officer, wants to protect the taxpayers, the Senator from Kentucky does, and all of us do—this is a chance to do it.

I hope that this will be accepted when we vote tomorrow.

Mr. President, unless anyone has any questions or anyone seeks the floor, 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. McCAIN. 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. McCAIN. Mr. President, at this time, I ask unanimous consent that all amendments that are on the list submitted earlier under a unanimous-consent agreement be filed by 11 o'clock tomorrow.

Mr. President, before you rule on that, I want to point out that that does not preclude extended debate. There are no time limits involved in that. It simply requires that the amendments on the list be filed by the hour of 11 a.m. tomorrow morning.

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

Mr. McCAIN. Mr. President, again, I remind my colleagues that there are still a number of these amendments on the list. I believe that a large number of them have been taken care of in the managers' amendment. But both the majority leader and the Democratic leader have stated that we won't stay on this bill more than an hour or so in order to dispense with it and get final passage.

I want to also thank, again, my dear friend from Kentucky for all of his help tonight, and, hopefully, he and I will be able to conclude this legislation tomorrow at a very early time.

Mr. FORD. Mr. President, I am glad to cooperate with my friend in getting any kind of objections to his unanimous-consent agreement worked out. I think we are at a position where, if we just sit down and be reasonable tomorrow, we can move very quickly. I hope that the majority leader will not entertain the notion to pull this bill down if we can't finish it in an hour or so tomorrow. I think there is too much in this bill, and we have worked too hard and come too far for that even to be considered.

I hope that we can go ahead and move this bill and move it expeditiously, and that we are not in a position where we have to do it in an hour or hour and a half or 2 hours. On the other hand, I think as amendments are offered we should attempt to try to limit each of those amendments by some time agreement as it relates to the amendment being considered at the time. Or we might work our list. We could work our list tomorrow and see how much time would be needed by each presenter, and maybe we could have a time agreement or a UC early tomorrow.

I will attempt to look at these amendments and see if there is a time agreement. I am going to call some of the Senators and say, "Your amendment is in the managers' amendment. There was nothing wrong with it, so your name gets scratched." So I am going to proceed on that basis and attempt to help my friend and see if we can't secure some time agreements prior to 11 o'clock tomorrow.

Mr. McCAIN. I thank my friend. Mr. President, just to clarify, there is also permitted under this UC—because it is not precluded—second-degree amendments that are relevant. So my colleagues, I hope, will not make use of that.

## MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

## HONORING THE EKENS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death do us part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Truman and Dorothy Eken of Sedalia, MO, who on August 25, 1996 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Truman and Dorothy's commitment to the principles and values of their marriage deserves to be saluted and recognized.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 16, the Federal debt stood at \$5,217,327,143,659.08.

Five years ago, September 16, 1991, the Federal debt stood at \$3,624,324,000,000.

Ten years ago, September 16, 1986, the Federal debt stood at \$2,106,332,000,000.

Fifteen years ago, September 16, 1981, the Federal debt stood at \$981,709,000,000.

Twenty-five years ago, September 16, 1971, the Federal debt stood at \$415,132,000,000. This reflects an increase of more than \$4 trillion (\$4,802,195,143,659.08) during the 25 years from 1971 to 1996.

## TRIBUTE TO SENATOR HANK BROWN

Mr. HEFLIN. Mr. President, our friend and colleague from Colorado, Senator HANK BROWN, will be leaving at the end of the 104th Congress after only one term in the Senate. But, he will nevertheless leave a lasting legacy of accomplishment that matches that of others who have served here for far longer periods. I have had the pleasure of serving with HANK on the Judiciary Committee during the last few years. His leadership on that committee and his contributions to our sometimes controversial debates were always thoughtful, analytical, fair, and respectful. He has been firm in his beliefs