

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG], are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 305 Leg.]

#### YEAS—39

Akaka	Glenn	Moseley-Braun
Baucus	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hefflin	Nunn
Boxer	Helms	Pell
Bradley	Kennedy	Robb
Bumpers	Kerrey	Rockefeller
Byrd	Kerry	Santorum
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Levin	Specter
Exon	Lieberman	Wellstone
Feingold	Mikulski	Wyden

#### NAYS—56

Abraham	Ford	Mack
Ashcroft	Frahm	McCain
Bennett	Frist	McConnell
Bond	Gorton	Murkowski
Breaux	Grams	Nickles
Brown	Grassley	Pressler
Bryan	Hatch	Pryor
Burns	Hatfield	Reid
Chafee	Hollings	Roth
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Conrad	Inouye	Smith
Coverdell	Jeffords	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feinstein	Lugar	

#### NOT VOTING—5

Campbell	Gramm	Leahy
Coats	Gregg	

The ruling of the Chair was rejected as the judgment of the Senate.

Mr. LOTT. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### REVENUE DIVERSION

Mr. FORD. Mr. President, I want to bring to my colleagues attention a very grave situation involving the illegal diversion of revenues at Los Angeles International Airport. As I understand it, the Mayor of Los Angeles transferred \$31 million from the airport treasury to city coffers last week. Senator MCCAIN and I have worked together on legislation to prevent illegal revenue diversion. During our deliberations, we were very aware of the City of Los Angeles' efforts. I want to make clear that the action taken last week is clearly illegal. The amount paid is apparently based on an age-old dispute

over how much the airport owes the city. I understand that the debt has already been repaid to the city once.

The Secretary of Transportation must recognize that he has the tools to enforce the law against illegal revenue diversion. First, he has the power to withhold grants for other, nonaviation purposes. The Federal Aviation Reauthorization Act contains even broader discretion for the Secretary and I urge him to send the message, loud and clear, that revenue diversion will not be tolerated. Under our bill, the Secretary may withhold grants and apportionments from any airport sponsor, or any multimodal transportation agency to which the sponsor is a member, if the sponsor diverts revenue illegally off of the airport. Furthermore, the Secretary is empowered to redeposit that money with the airport. The Secretary should exercise this authority and restore the money to LAX so that the important safety and security work needed on the airport can move forward.

Finally, I want to state that H.R. 3539 contains a pilot program for five airports. It would allow the Secretary to approve a long-term lease, which would include permitting revenue diversion. The conferees were very concerned about the ability to divert revenues under a privatization scheme. However, Los Angeles was the real concern. As a result, we limited the number and type of airports eligible for the pilot program. The Secretary should be aware that a large airport that continually frustrated the clear intent of Congress would clearly not meet the criteria for privatization contained in H.R. 3539.

Ms. SNOWE. Mr. President, I want to express my support for the conference report before the Senate which will help improve the safety and security of air travel in this country. I wish to commend Senator PRESSLER, Chairman of the Senate Commerce Committee and Senator MCCAIN, Chairman of the Aviation Subcommittee for their diligent work in bringing this bill to completion prior to the adjournment of the 104th Congress.

In the past 5 months, the Federal Aviation Administration [FAA] has come under intense scrutiny. After ValuJet flight 592 was swallowed by the silt and tall grass of the Everglades in May, the issue of FAA's ability to ensure the safety of the traveling public was brought into question. On July 17, the explosion of TWA flight 800 minutes after leaving New York's Kennedy Airport heightened public concern over not only the safety of our airplanes but the security of our airports as well.

This conference report cannot answer all of the questions surrounding these two devastating tragedies, but it does give the FAA the guidance and many of the tools it needs to regain the public's trust. And it reaffirms the commitment of the Congress to end that status quo at the agency.

First and foremost this bill will once and for all eliminate the question of

the FAA's mission. On June 18, the Secretary of Transportation, Federico Peña, called on Congress to "change the FAA charter to give it a single primary mission: safety and only safety." By removing the "dual and dueling missions" of safety and air carrier promotion, both the FAA and the public will know that safety is the sole mission of the agency. I introduced S. 1960 earlier this year with Chairman PRESSLER to carry out the Secretary's request, and the Senate-passed version of this bill included provisions I authored that established a process for elimination of the mandate. I am pleased that the conference report will lay this issue to rest, once and for all by allowing the FAA to focus solely and deliberately on assuring the safety of air travel.

Another important aspect of this bill addresses an area that has been tragically overlooked—the needs of the families of crash victims. The loss of a loved one in any accident is devastating. But this loss should not be compounded by the careless treatment of their family, and we have all heard heartbreaking stories of family members who learned of the death of their loved one from CNN because the airline could not or would not verify that they were on the plane. I believe that we can and must change the way families of plane crashes are treated. This bill will take some very important steps—such as requiring airlines to have a disaster plan in place, putting the National Transportation Safety Board [NTSB] in charge of overseeing family advocacy and requiring that airlines have adequate toll-free phone lines available for families in order to ensure they can get through when emergencies occur. We still need to do more, but these provisions are a necessary first step.

Regardless of the outcome of the investigation into the causes of the crash of TWA flight 800, the fact that it could have been downed by a bomb shocked us all. The conference report returns our attention to the need to address the serious issue of security at our airports. Again, it is only a first step, and the 105th Congress will be tasked with following through on the guidelines we have laid down in this bill, as there is much that needs to be done and many questions the FAA still has to answer about why we do not have one explosive detection device ready for installation at our airports—despite the provisions of the 1990 Aviation Security Improvement Act which required their installation by 1993.

Mr. President, I hope my colleagues will join me in supporting passage of the FAA reauthorization conference report.

Mr. HOLLINGS. Mr. President, the Senate Commerce Committee and its Aviation Subcommittee have worked hard to put together the Federal Aviation Authorization bill. The conference report on H.R. 3539 represents a fair compromise on many issues. My colleagues, Senator MCCAIN and Senator

FORD, have spent a lot of time and effort to develop the legislation. It is a complex bill that seeks to provide a future foundation for the Federal Aviation Administration [FAA], for air service to small communities, and for our Nation's airports. The bill addresses the fundamental needs to the national air travel system. Passengers must be sure that safety is the FAA's primary mission, that security measures are improved, that we have enough safety inspectors with the tools to do their job, and that our Nation's airports have the money to remain safe. This bill does that. The bill also establishes a series of task forces to determine the best way to fund the agency.

Key provisions in the bill will make the FAA a more autonomous agency—with the ability to make its own decisions concerning regulations, personnel, and procurement. The bill changes the funding formulas for the Airport Improvement Program, providing more money for those airports most in need of Federal help. The beneficiaries, mainly smaller airports, will receive higher entitlements. In South Carolina, some airport projects are underway and need funding to continue. Other worthy projects in my State cannot begin without money from the Airport Improvement Program. Security, a critical issue, also is addressed. The bill for example, requires that security screening companies be certified by the FAA. The bill will facilitate the installation of explosive detection equipment.

There is one section in the bill on privatization that the conferees spent a good deal of time discussing. The provision continues to trouble me. Under the legislation, an airport can be privatized and still receive a Federal grant. If the private sector believes it can suddenly revitalize airports with claims of new money, why does the Federal Government have to provide corporate welfare? The Federal Government has a clear interest in our Nation's airports. We have helped design them, have provided all sorts of equipment to make them safe, and have funded them. The U.S. Government and U.S. taxpayers have an investment in them. The provision that allows airport privatization permits airports to be turned over to a private company. The Federal Government does not get a dime back, while a private company can make a profit partly from the Federal investment. This is wrong.

H.R. 3539 incorporates much of the text of S. 1994, the FAA reform bill, reported by the Commerce Committee last June. Those provisions call for an independent review of the precise needs of the FAA, followed by the submission of a funding proposal to finance the agency. We know that the Federal budget will continue to be cut, but some programs must be funded—like the FAA. The financing reform sought by the bill will help us figure out a better way to provide needed funding—

whether it is by placing it off budget, by fees, or by taxes. The goal is to make sure money collected from passengers on air carriers goes to the FAA.

#### AVIATION SECURITY

Aviation security is an extremely complex issue. It involves technology, personnel, intelligence information, national security, and a recognition that there are people willing to commit heinous crimes aimed at our Government and our citizens. The bill provides for a safety commission. I want to make clear that the commission is intended to complete the work of the Vice President's task force.

Investigators in New York have not yet identified the cause of the crash of TWA flight 800, and numerous options are being considered. We have to let the investigators complete their mission. The National Transportation Safety Board, the Navy, the FBI, and State and local personnel are working hard to determine the cause of the accident. We do know this, however—the public deserves the best technology operated by the best trained individuals, to reduce the risks of a terrorist attack.

Another thing is clear—security is going to be costly. The FAA has estimated that it will cost as much as \$2.2 billion to install up to 1,800 machines at 75 airports. Today, there are approximately 14,000–18,000 screeners, paid an average of \$10,000 to \$15,000 per year. These screeners are one line of defense, but a critical one in the fight against terrorism. They need training, and they need to be paid in accordance with their responsibilities. The present turnover rate among these employees is extremely high. Unless we change the way we provide security, we cannot upgrade it. All the technology in the world still requires a person to watch a screen, listen to alarms, and be able to recognize materials that should not go on board an aircraft.

No matter what we do, safety comes first. Nothing should go onto an aircraft without being screened. Cargo, company material, and baggage all should be subject to inspection.

Security changes may require a fundamental alteration in the way air carriers provide services. Longer lines can be expected. Unfortunately, it is a price we must pay to deal with people in this world willing to stop at nothing.

Mr. President, let me thank our Commerce Committee Democratic staff—Sam Whitehorn, Clyde Hart, Jim Drewry, Kevin Curtin, Becky K. and Sylvia Cikins for all their hard work in the resolution of these issues.

I urge my colleagues to adopt the conference report.

Mr. GLENN. Mr. President, I do not wish to delay adjournment of the Senate nor hold up passage of the Federal Aviation Administration [FAA] authorization bill. Absent the provision we have been discussing these past few days, the FAA bill could pass the Sen-

ate with near unanimous, if not unanimous, support. However, I cannot acquiesce in this ploy to circumvent normal Senate procedure, and thus will vote against cloture at this time. There have been no hearings on the so-called express carrier provision. Until it was presented to us as a non-germane provision in an unamendable conference report, it was never debated on the floor of the Senate. The provision was not included in either the House or the Senate version of the FAA authorization bill, nor had it been approved as part of any other legislation passed by the House or the Senate. Hence I believe it was most irregular for the conference committee to even have taken up this issue, much less to have inserted it into this conference report.

If the debate on the Senate floor these past few days has told us anything, it has told us quite clearly that this rider is anything but a non-controversial technical issue. Hearings should be held, the ramifications of this change in the law should be fully explored, interested parties should be given an opportunity to express their views, and Members of Congress should be able to offer amendments.

Mr. President, it is my understanding that there has been no designated express carrier operating for some 20 years and that Federal Express was not when the ICC existed, and is not now, an express carrier. Hence the action of the Congress in deleting this obsolete designation, in the course of terminating the Interstate Commerce Commission, last year still seems entirely appropriate. If there is a case to be made for the resurrection of this outdated designation, then let us see a separate piece of legislation, let us see some hearings, let the normal legislative process make the case for why the change is needed. The very process by which this matter is finally presented to the Senate—in a conference report at the very end of the session—makes me suspect that the issue deserves a much closer look than we are able to give it in this setting.

Mr. DASCHLE. Mr. President, I would like to thank Senator FORD, the ranking member of the Commerce Subcommittee on Aviation, and Senator MCCAIN, the chairman of that committee, for all the time and effort that they have put into the FAA reauthorization bill. The fact that the Senate unanimously approved the bill last month is a testament to their ability to work together with the common goal of improving the safety and security of our air transportation system.

Like many of my colleagues, I question whether the Federal Express provision should be included in the FAA reauthorization bill. I think this controversial issue merits further consideration at another time. When the 105th Congress convenes next year, I am hopeful that the Senate Labor Committee will hold hearings on this matter.

But the facts are these: We cannot remove this provision without killing

the FAA reauthorization bill. We must pass this bill before we adjourn for the year. And the FAA's ability to enhance safety and security at our Nation's airports is contingent upon enactment of this important legislation.

The House has already passed the conference report to the FAA reauthorization bill as well as the omnibus appropriations bill. For all practical purposes, the other Chamber has closed its doors for the remainder of the year. There should be no misunderstanding. Our House colleagues have no intention of returning to Washington to consider additional legislation. Any change that we make to the FAA reauthorization bill at this point would most certainly require unanimous consent in the House. Needless to say, convincing the House to give unanimous consent to amending the conference report to the FAA reauthorization bill is simply not possible.

Whether we agree with the Federal Express provision or not, we must pass the conference report to the FAA reauthorization bill. At the latest, the Senate should have been passed this legislation on Monday, and we cannot delay passage of this bill any longer.

Our colleagues on the Senate Commerce Committee have worked for more than 2 years on this bill. The committee cannot and should not be forced to start that process all over again in a new Congress. We must finish our work today and provide the FAA with the tools it needs to improve the safety and security of our air transportation system.

The FAA reauthorization bill includes several safety provisions that should have been authorized earlier this week. Among those, the bill authorizes \$2.28 billion in fiscal year 1997 and \$2.3 billion in fiscal year 1998 for the Airport Improvement Program. As my colleagues well know, this critical funding allows airports throughout the country to make much-needed safety improvements. Without authorization, however, construction on these important projects will remain idle.

The bill also allows the FAA to respond directly and more promptly to safety problems without needless bureaucratic delay or second-guessing. The bill also establishes a framework for airlines to obtain background information on a pilot's previous employer. The National Transportation Safety Board recommended these background checks as a result of a number of airplane accidents that were caused in part by pilots with poor performance records. Again, without authorization, these important safety provisions will not be implemented.

The FAA reauthorization bill also includes a number of important security provisions proposed by the Senate Commerce Committee, Vice President AL GORE's commission on aviation safety, and many other Members of the Senate. For instance, the bill gives the FAA the authority to permit criminal background checks on baggage screeners at our Nation's airports.

The bill also gives the FAA the authority to facilitate the interim deployment of advance aviation security technology including explosives detection equipment. And the legislation calls for an evaluation by the National Academy of Sciences on explosives detection and aircraft hardening technology. Furthermore, the bill would authorize the FAA to conduct vulnerability assessments of individual airports and permit airlines to conduct improved passenger profiling. Again, without authorization, these critical security measures will not be implemented.

Mr. President, this bill also includes several provisions that are particularly important to rural America. Perhaps most importantly, the bill authorizes the FAA to tax foreign airlines that fly over the United States and designates half of that revenue, estimated at \$100 million annually for the Essential Air Service [EAS] program. EAS is crucial to the economic stability of small communities in South Dakota and across the country. Unfortunately, EAS funding has been reduced in recent years, and service to EAS recipients has suffered accordingly. Enactment of the overflight tax will provide a much-needed new funding mechanism for the EAS program.

The bill also requires the Secretary of Transportation to conduct a study of fares charged by commercial air carriers traveling into non-hub airports in small communities. This study is critical to determining whether passengers in rural areas pay a disproportionately greater price for air service than passengers who fly between urban areas. Like my colleague, Senator DORGAN, I believe they do, and I look forward to the results of that study so we can focus on ways to improve airline service to rural communities. Again, without authorization, neither the EAS provision or the rural air fare study will move forward.

Mr. President, the bottom line is that we must pass the conference report to the FAA reauthorization bill. Whether we agree with the Federal Express provision or not, we must pass this important bill today. We cannot wait any longer. We must pass this bill so that the FAA has the ability to enhance safety and security at our nation's airports. We must pass this bill to ensure that rural America receives the kind of air service it rightfully deserves. I urge my colleagues to support the passage of the conference report on the FAA reauthorization bill.

Mr. KERRY. H.R. 3539, the FAA Reauthorization conference agreement, is, primarily, a good bill—a very good bill—and one whose contents are of great importance to the people of this country. Several Senators including Senator HOLLINGS, Senator PRESSLER, Senator FORD, and Senator MCCAIN have worked for many months to craft this important legislation. They deserve great credit for shepherding the bill through the Commerce Committee

and then obtaining passage with a vote of 99-0 on the Senate floor. These Senators and their fine staffs—specifically, I would like to recognize the work of Sam Whitehorn on the minority side—produced a non-controversial, sensible bill that addresses a critical need of our Nation.

We need to pass an FAA Reauthorization bill because of the pivotal role that the FAA plays in our Nation's transportation infrastructure. We ask the FAA each year to ensure the safety of all civil aviation and to oversee the continued development of our national system of airports. Through a comprehensive program that includes a vast air traffic control network, and thousands of maintenance inspections of our Nation's civilian airlines, the FAA carries out the important task of ensuring the safety of the millions of Americans that utilize air travel each year. Significantly, this conference agreement provides to the FAA the necessary tools to carry out these important tasks. It provides \$9.54 billion in total budget authority for the FAA for fiscal year 1997 including \$5.16 billion for operations, \$2.28 billion for the Airport Improvement Program, and \$2.1 billion for facilities and equipment. This total figure represents an increase of \$1.39 billion over the FAA's total budget authority for fiscal year 1996 and an increase of \$1.33 billion over the administration's budget request.

In addition, Massachusetts needs Congress to pass an FAA reauthorization bill because we rely so heavily on air transport for both people and cargo and because the Airport Improvement Program is so crucial to our State. From Logan Airport in Boston to the smaller airports located in Nantucket, Hyannis, Martha's Vineyard, Worcester, New Bedford and Provincetown, airports and air transport are critical to the economic and social travel needs of the people of Massachusetts. This legislation is good for the people of Massachusetts. It contains additional AIP funding for Massachusetts airports in fiscal year 1997 beyond the amounts these airports are entitled to receive under current law. And it also increases the amount of discretionary funding that the State of Massachusetts can distribute to airports and related projects.

This conference agreement also contains an important provision to improve the security of our Nation's airports that will result in greater safety for commercial flights originating at U.S. airports. I have been pushing the FAA for several years to begin to use existing advanced technologies, far more capable than x rays and metal detectors, to screen passenger baggage for explosives before it is placed on aircraft. The conference agreement instructs the FAA to move forward in this respect. Rather than awaiting the advent of a new sensor technology that can meet all desired sensor standards perfectly or nearly perfectly, the FAA is instructed to procure and implement

use of the best currently available technology—which is the approach taken by virtually all major European airports. There is simply no reason of which I am aware for the United States not to take this important step.

Unfortunately, this important legislation, which is strongly supported by Senator KENNEDY, Senator SIMON, Senator FEINGOLD, and all others in this Chamber, became mired in a dispute over a four-line provision—tacked on to the bill in conference—that is unrelated to the otherwise important and bipartisan task of reauthorizing the FAA. This provision amends the Railway Labor Act to make it substantially more difficult for certain Federal Express employees to organize. I do not support this provision which amends labor law in a controversial way on a bill that is totally unrelated to labor law, and, because of the addition of that provision, I voted against the cloture motion to end debate on the FAA conference agreement. I hoped the Senate would reject cloture, confident that if cloture was not invoked, this FAA legislation would have been brought back to the floor without the controversial provision, and passed by unanimous consent. That is what I believe the Senate should have done.

Now that cloture has been invoked, and another effort to remove the provision because it was outside the scope of the conference committee was rejected by the Senate, we confront the great importance of passing an FAA reauthorization bill before this Congress adjourns. Once again, I compliment those who led the Senate in assembling the aviation provisions of this bill. It is a good bill that will contribute much to our Nation. I will vote for it.

Mr. ROBB. Mr. President, I rise today in strong support of passage of the conference report to H.R. 3539, Federal Aviation Authorization Act of 1996. This conference report contains provisions crucial for the safe and efficient operation of our Nation's airports. This authorization will enable vital funds to be allocated to our airports under the Airport Improvement Program for the construction of necessary runways and taxiways, installation of navigational aids, and acquisition of land for noise abatement measures. The bill also permits funds to be used for essential enhancements of airport facilities and equipment, and supports substantial Federal Administration [FAA] operations.

Mr. President, in addition to these authorizations to improve our airports infrastructure and language to improve aviation security, this conference report contains provisions which seek to resolve an important question as to the status of the Metropolitan Washington Airports Authority [MWAA]. The Airport Authority, created by Congress in 1987, has been successfully fulfilling its obligations of maximizing the development of Washington Dulles International Airport, while fully utilizing the resources at Washington National Airport.

However, Mr. President, the U.S. Supreme Court has held that the Airport Authority's congressional review board is unconstitutional. Without Congress eliminating this unconstitutional review board, the Airport Authority would not be able to continue to exercise its vital functions such as adopting an annual budget, awarding contracts, and issuing bonds. This conference report eliminates that unconstitutional board, and therefore enables the Airport Authority to move forward.

I am pleased that this provision was included, while not interfering with the perimeter rule, which allows nonstop flights into and out of Washington National only if the flight is 1,250 miles or less. This rule is critical in helping maintain the delicate balance between Washington National and Dulles International Airports. Retaining this perimeter rule will maximize the almost \$2 billion of capital improvements underway at these two airports. And I appreciate the assistance of Senator ROCKEFELLER and Senator HOLLINGS and their staff in ensuring that this perimeter rule was preserved.

Mr. President, this FAA conference report is filled with provisions that not only benefit the metropolitan Washington area, but airports, large and small, throughout the nation. I am pleased with the overwhelming support the conference report has received and I'm looking forward to the benefits of this bill in Virginia.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I expect we will vote momentarily on the final passage. I want, just before that, first of all, to thank all the Members for their indulgence during the period of these past days. This issue is really not about the FAA and the conference report, outside of this very special provision. I expect to support the conference report in just a few moments.

I thank all the Members for their courtesies over the period of the last days, those colleagues of mine who supported a common position, and our worthy opponents who carried the day. I believe this particular provision would not have carried in a Democratically controlled Congress of the House and Senate, but the Senate has spoken now. The issue of workers' rights is going to very much be the issue on November 5. We have one vote today and another vote on November 5. I just hope they will understand who is on their side.

I again thank all of those in the Senate for their attention and for their courtesies on this matter. I hope at the earliest time we will go to a final vote on the FAA conference report. I intend to support it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Now that we are going to a final vote, I would like to make just a 60-second comment.

I thank Senator PRESSLER, the chairman of the Commerce Committee,

whose leadership in FAA reform has been steady and tireless. I thank Senator HOLLINGS, the ranking member of the committee, and Senator FORD, who worked from the beginning, 2 years ago, to bring meaningful reform to the FAA and provide for the critical long-term and stable funding which is so necessary for modernizing the air traffic control system, and hopefully putting an end to the more than 420 power outages last year.

I also thank my friend, the Senator from Alaska, Senator STEVENS, who worked with me and Senator FORD to craft the compromise we are voting on today.

Finally, let me thank the countless number of General Accounting Office staff, the administration, Secretary Peña, the Secretary of Transportation, David Hinson, the FAA Administrator, and especially Linda Daschle, who worked tirelessly, literally hundreds and hundreds of hours, through late nights and many weekends, to build a better FAA through major reform. I am especially grateful for her outstanding work.

Mr. President, others who are very deserving of recognition, including aviation expert Dr. Jack Fearnside, Ken Mead of the General Accounting Office, Katherine Archuleta, Secretary Peña's Chief of Staff, Bert Randall, Assistant Chief Counsel of FAA, Paul Feldman, Special Assistant to the Deputy Administrator of FAA. And, of course, Sam Whitehorn of Senator HOLLINGS' staff, Tom Zoeller of Senator FORD's staff, Mitch Rose and Earl Comstock of Senator STEVENS' staff, Mike Reynolds, Lloyd Ator, Mike Korens, Tom Hohenthanner and Paddy Link of Senator PRESSLER's staff.

I would like to personally thank the tireless efforts of those on my staff, Chris Paul and Mark Buse, who have worked so hard to make this bill a reality, and many others who have contributed so much.

Again, I want to pay special thanks to my dear friend, Senator FORD of Kentucky, who realized from the beginning, along with me and others, that the only way you pass this kind of legislation, this kind of fundamental reform, is through a bipartisan effort and in partnership with the administration, in whichever party alignment that may be.

I cannot help but express my appreciation to him for the many years of cooperation that we have had together, especially on this issue—it has characterized our relationship now for more than 10 years.

Mr. FORD. Thank you.

Mr. MCCAIN. We may do more things together in the future, but I am not sure we will ever do anything this significant.

I understand the yeas and nays will be asked for. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am pleased to join with my distinguished

colleague from Arizona, Senator MCCAIN, the chairman of the Aviation Subcommittee, in bringing this conference report before the Senate.

Let me also join with him in paying compliments to our staff and to the many individuals who have assisted us. As Senator MCCAIN has said, we have worked long and hard for 2 years now. It has been a bipartisan effort. We have had our disagreements, but we have not been disagreeable. We have pushed and pulled, and finally we have come to the point now where this bill is about to be passed.

The conference report before us today reauthorizes various programs of the Federal Aviation Administration, namely the Airport Improvement Program [AIP]. The AIP program provides the necessary Federal funds for the continued investment in our airport and airways infrastructure.

The current authorization for the AIP program expires on September 30. Without this reauthorization bill, the FAA would be unable to fund many worthy aviation infrastructure projects. We cannot let that happen. As we prepare to enter into a new fiscal year, the FAA needs this reauthorization in order to move ahead with the funding of many important airport improvement projects. AIP projects include construction and maintenance of airport facilities, including runways; construction of control towers; the installation of radar equipment and construction of radar facilities; and the acquisition and installation of navigational devices.

Mr. President, investment in our aviation infrastructure is at a critical point. The FAA's forecasts for the aviation industry project tremendous growth by the turn of the century. Those forecasts project an average increase of 3.7 percent in domestic passenger traffic by the year 2007. One of the big growth areas will most likely be in the regional and commuter industry. In 1995, regional and commuter air carriers carried 53.7 million passengers. By the year 2007, the FAA projects these same carriers to carry 96.9 million passengers—an annual growth of 5.4 percent.

Today, our airports are at or near capacity. Many are struggling just to keep up with today's demands. With these growth projections for the next 10 years, the Nation's entire aviation system will face even more challenges on an already heavily burdened system.

The problems posed by the growth of air traffic will be further burdened as aircraft manufacturers move toward the development of even larger wide body jets. Recently, both Boeing and Airbus Industries announced plans to introduce new airliners capable of carrying over 600 passengers. The introduction of these aircraft will require major improvements at our Nation's airports just to accommodate the size of these aircraft.

These are just a few of the many reasons that we need to pass this con-

ference report. We cannot let the AIP program lapse. We must continue to support many worthy airport construction and improvement projects that will help to sustain and support the growing demand for air carrier services, both passenger and cargo.

During the Senate's consideration of the FAA reauthorization bill, I argued that we should keep our reauthorization simple and short. That is, we should not undertake any change in the formulas for entitlement and discretionary grants and that we should have a one year reauthorization. Part of the reasoning for this was my belief that we need to examine the best means by which to reform the FAA.

The Senate bill included provisions which would establish an independent assessment of the funding needs for the FAA. Under the terms of the Senate bill, the independent assessment would study the funding needs of the FAA within one year and report to the Congress. At that time, the Congress would have recommendations and options for the long-term financing solutions of the FAA. Then, with the reauthorization of the FAA and the AIP program, we would be able to create a better funding system for the AIP program.

However, given the late date at which we are considering this bill, we recognized that our efforts to try and have an independent assessment on the FAA's financing could not be accomplished prior to the expiration of the AIP authorization. We have compromised with the House, which had a three-year authorization, and have decided that we will have a two year authorization.

With a 2-year authorization, we have accepted the provisions of the House that will modify the funding formulas of the AIP program. Under the provisions of the conference report, this bill will provide more entitlement funds for airports throughout the country. Each airport under the AIP program is entitled to Federal funding, based on the number of passenger enplanements. The bill eliminates a number of discretionary funds and redistributes those funds to the airports as entitlements. In addition, under existing law, there is a \$325 million pure discretionary fund. The FAA has the ability to use those funds to put together larger projects for airports of all sizes. This bill will reduce that pure discretionary fund to \$300 million. I would note that I am somewhat concerned that the amount of money set aside for noise has been reduced from \$164 million to \$134 million. However, I recognize that some of the discretionary monies may be used for that purpose.

I am pleased that this conference report also includes the FAA reforms which were included in the Senate bill.

As I mentioned, the increased demands on the air transportation system require the Congress to re-examine the way in which the FAA is managed and funded. The FAA is predominantly funded through the airport and airway

trust fund. The monies which are in the trust fund are distributed among specific programs and functions, including the FAA's operations account, the facilities and equipment account, research, the engineering and development account, as well as the Airport Improvement Program.

The trust fund is supported solely through revenue derived by a 10 percent passenger ticket tax, interest paid on Treasury certificates, and other taxes associated with air travel and aviation. However, on January 1, 1996, the aviation excise taxes lapsed. That lapse in taxes resulted in a loss of \$500 million a month in trust fund revenues. With the enactment of the minimum wage and small business tax credits act, the aviation excise taxes were reinstated, but only to the end of this calendar year.

This experience has highlighted some problems and concerns with the FAA. Without a steady and reliable source of revenue, the FAA cannot fulfill its mission to promote a safe and reliable aviation system.

Both the Senate and the House bills had separate panels to examine the issues of safety and security in the National air transportation system and the financing of the FAA. The conference report adopts both task forces to separately examine these issues.

The conference report adopts the Senate provisions which creates an 11-member panel to conduct an independent assessment of the FAA financing and cost allocations through 2002. This independent panel shall include individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues which are important to all segments of the aviation industry, including: general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers.

This independent assessment is required to complete its work within 12 months. At which time, the panel will make a report to the Secretary of Transportation. The Senate bill included some provisions for expedited consideration of these recommendations. However, during the Senate's consideration, at the request of the Finance Committee, those provisions for expedited consideration were modified to provide for an automatic sequential referral to the Senate Finance Committee.

The Senate bill also included similar expedited procedures for the House. Unfortunately, during our conference, the House conferees objected to the inclusion of any expedited procedure for the House. Consequently, the provisions included in the Senate bill for expedited procedures in the House are not included in this conference report.

I will admit that I am somewhat reluctant to include provisions in a bill that bind only one House of the Congress. The expedited procedures that

were originally included in S. 994 as reported by the Commerce Committee were designed to make the Congress act quickly to address the crucial funding needs of the FAA and our aviation infrastructure. Without these expedited procedures, I am concerned that in 2 years time, we may find ourselves in the same position we are in today. During the conference, our House counterparts gave us their assurance that the House would act expeditiously in considering the funding recommendations of the independent panel.

I appreciate the commitments from our House colleagues. I can assure the Members of the Senate that when we get to the point that a comprehensive FAA financing reform package is presented to the Congress, I will be equally dedicated to the expeditious consideration of that proposal.

Mr. President, this funding study will build upon personnel and procurement reforms already in place at the FAA, which were included in the Transportation Appropriations Act for fiscal year 1996.

In addition to the independent study on funding solutions for the FAA, the bill also includes provisions for the creation of a Management Advisory Council. Mr. President, I think we all acknowledge that the FAA has been an agency with its problems. Some of that criticism is well-deserved. But, I think that most Members will also acknowledge, that under the current leadership of Administrator David Hinson and Deputy Administrator Linda Daschle, the FAA is beginning to respond to the challenges. We want to build on these improvements and we want to enable the FAA to improve its management so that it is prepared to face the challenges of the 21st Century.

The Management Advisory Council [MAC] will be composed of 15 members to provide the Administrator with input from the aviation industry and community. Membership on the MAC will include representatives from all government and all segments of the aviation industry; all of whom will be appointed by the President with the advice and consent of the Senate. Members of the MAC should be selected from individuals who are experts in disciplines relevant to the aviation community and who are collectively able to represent a balanced view of the issues before the FAA. It is important to note that selection for MAC membership is not required to be based on political affiliation or other partisan considerations.

Among the issues that we expect that the MAC to examine are: air traffic control modernization; FAA acquisition management; rulemakings and cost-benefit analysis; review the process by which the FAA determines to use advisory circulars and service bulletins; and a review of old rules, including FAR part 145.

The conference report also includes the Senate bill's provisions on improving safety and security in our air transportation system.

The tragedy of TWA flight 800 has forced us to once again re-examine our aviation security measures. As we all know, following the TWA tragedy, President Clinton created the White House Commission on Aviation Safety and Security and asked that Vice President GORE head this commission.

The President should be commended for the swiftness of his actions and his determination to improve our aviation security and safety. The President moved quickly to reassure the traveling public and the Nation, that we continue to have the safest air transportation system in the world. I appreciate and applaud the efforts of the President and the Vice President on this issue.

The so-called Gore Commission issued an initial report to the President on September 9. That report made a number of recommendations including the purchase of explosive detection equipment; the placing of security equipment at our major airports; increasing the use of passenger profiling through the use of existing data bases and air carrier computer reservation systems; criminal background checks and FBI fingerprint checks for all security screeners and other airport and airline personnel with access to secure areas; increasing funding to be used to facilitate a greater role for the U.S. Customs Service and other law enforcement agencies; designate the National Transportation Safety Board to deal with the families and relatives of crash victims; and provide additional funds for the training of airport security screeners.

The conference report adopts a number of the recommendations of the Gore Commission which required legislative action. I am pleased to say that within our conference, there was unanimous support for the Senate's provisions on safety and security.

Title III of the conference substitute includes legislative language that will give the FAA the legal authority to undertake and implement the recommendations of the Gore Commission.

These provisions include the following:

A report by the Administrator of the FAA to the Congress on how to transfer certain security responsibilities of the air carriers to the Federal Government. Under current Federal law, air carriers are responsible for the security and screening procedures at airports. The Gore Commission and other experts believe that aviation security is a national security issue. As the Federal Government will be asked to assume more responsibility, we believe it is prudent to have a careful study of this issue to examine how and to what extent the Federal Government should assume these duties. This report will be due to the Congress within 90 days of enactment of this bill.

The FAA will certify companies that provide security screening at our Nation's airports to ensure uniformity

and consistency in screening operations. The certification process is intended to improve the training and testing of security screeners through the development of uniform performance standards.

It will accomplish many things:

A study on the detection of weapons and explosives conducted by the FAA and the National Academy of Sciences.

Require criminal background checks on all individuals who will be responsible for the screening of passengers and property as well as any other individual who exercises a security function associated with baggage or cargo. In addition, this bill directs the FAA to conduct periodic audits on the effectiveness of these criminal record checks.

Direct the FAA to require the interim deployment of commercially available explosive detection equipment.

Direct the FAA to work with the intelligence and law enforcement communities to assist the air carriers in developing a computer-assisted passenger profiling program.

Report to the Congress on a pilot baggage match program if such a program is undertaken as a result of the Gore Commission.

Mr. President, I think it is important to note that the Gore Commission has not completed its work. In fact, the review of aviation security and safety is a dynamic and evolving process. While we have attempted to include security provisions within this bill, it is anticipated that the Congress will be considering further security recommendations and enhancements as the Gore Commission continues its work.

In addition to the provisions included in this bill, the conferees adopted a House provision which establishes an aviation safety task force. This task force will be required to submit a report to the FAA which sets forth a comprehensive analysis of aviation safety. This task force is not intended to duplicate the work of the Gore Commission. Rather, it is intended and anticipated that the safety study will build upon the experience and recommendations of the Gore Commission.

As this bill includes provisions relating to improving security systems throughout our air transportation system, it also includes provisions which ensure that the FAA's highest priority is air safety. Following the ValuJet tragedy, there was intense scrutiny of the FAA's mission in promoting air safety. Much of that attention focused on the so-called dual mandate of the FAA to promote air commerce and air safety. Both the Senate and House bills included provisions which would clarify that the FAA's highest priority is the promotion of a safe and secure air transportation system. This provision does not require any changes to the management, organization, or functions of the FAA. Rather, it corrects any public misconceptions that might

exist that the promotion of air commerce by the FAA would create a conflict of interest with the FAA's safety mandate.

In addition, this bill includes provisions to assist the FAA in its safety mission by clarifying the way in which safety and accident information is classified by the National Transportation Safety Board. Under the provisions of the bill, the NTSB will develop a classification of accident and safety data in a manner that will provide clearer descriptions of accidents with air transportation. In addition, the NTSB is directed to widely disseminate this information. As we note in the conference report, one way in which this information could be widely publicized by the NTSB is through the Internet. I hope that once the NTSB develops the new classification system, it will consider placing its reports on the NTSB web page.

The conference report also includes provisions which direct the NTSB to take the lead in assisting the families of victims of air disasters. Recent experiences have demonstrated that it is of tremendous comfort for the families of victims to have someone addressing their concerns and needs. While the Senate bill included a provision on family assistance, the House bill did not. However, the House did consider and pass a separate bill, H.R. 3923. The conference report has adopted that bill as the basis for the provisions of the conference report. This section not only requires that the NTSB establish a program to provide family advocacy services, but also directs that all domestic air carriers submit their disaster plans to the NTSB. The NTSB will develop guidelines for such plans which are intended to serve as a guide to other air carriers.

Mr. President, this conference report is an omnibus aviation bill. In addition to the FAA reform provisions and reauthorization of the AIP program, it includes provisions on the sharing of pilot records; provisions on child pilot safety; strong provisions prohibiting airport revenue diversion; provisions relating to the Metropolitan Washington Airport Authority; and provisions which support and enhance the Essential Air Service Program.

There is one provision included in this conference report which concerns me and that relates to the creation of a pilot program for the privatization of airports. When we considered the FAA bill in the Senate, I expressed my strong reservations and objections to the privatization of airports. I am a strong opponent to the privatization of airports because I believe that it will result in the diversion of airport revenue and will harm air carriers and general aviation. In addition, many of these airports were built with substantial Federal funds. Despite my strong objections to privatization—and I might add, the strong objections of the Senator from Arizona—the conference report includes a pilot program for pri-

vatization. It is important to note that this is a pilot program for 5 airports.

At the insistence of the Senate, the pilot program includes a number of provisions which address the concerns about revenue diversion.

The pilot program will only permit long-term leases of commercial airports. The Secretary of Transportation must agree to the privatization plan and at least 65 percent of the air carriers must agree to the plan. This protects other air carriers at commercial airports where a dominant carrier may control 65 percent of the landed weight. That means that a dominant carrier cannot control the fate of an airport. While the pilot program permits AIP grants, it requires a 60-percent match of private money. The Secretary of Transportation can disapprove a plan if he finds that privatization would result in anticompetitive or unfair and deceptive practices.

I want to assure my colleagues that the inclusion of a pilot program for privatization in this conference report does not mean that this Senator's opposition to privatization has been lessened. We have made an accommodation to our House colleagues who strongly support this idea. We have compromised on this issue. That is what a conference committee is supposed to do—to fashion acceptable compromises so that legislation can be enacted. And in making those compromises, you have to give a little. And sometimes you have to accept things with which you may have opposed. Compromise is hard. As Henry Clay used to say, "Compromise is mutual sacrifice." Well, Mr. President, I may be somewhat bruised and hurt by this compromise, but this bill is too important to fail because of my opposition to privatization.

We have created a 2-year pilot program with many protections. We will have the opportunity to review whether this program truly brings new investment and capital from the private sector as the supporters of privatization claim. I want to assure my colleagues that I will be vigilant in my attention to the developments of this pilot program.

Overall, Mr. President, I believe that this conference report is an excellent bill for the FAA and for the entire aviation community. This conference report represents the bipartisan efforts on the part of the House and Senate, between Members and staff. Many long hours were spent to create this conference report. That hard work has produced a conference report that I am proud to support. I am proud of the work of our staff for their dedication to produce this conference report.

On a personal note, this is somewhat of a bittersweet moment for me. As many of my colleagues know, a year ago, my longtime aide and aviation expert, Martha Moloney, passed away after a very courageous battle with breast cancer. Many of the provisions of this bill include proposals that Martha and I considered and proposed for

many years. I know that many of us miss her and her experience and advice. I am sure that she would be equally proud of the efforts that we have made today.

And if I may, I would like to dedicate this bill to her memory.

Mr. President, this bill truly is a must pass piece of legislation. It is a comprehensive and bipartisan bill that deserves the support of the Senate. In addition, the administration has been intimately involved in the development of this bill and strongly supports its provisions.

I urge my colleagues to join me in supporting adoption of the conference report.

Mr. President, I want to add a personal note to the discussion on the FAA bill. Yesterday, Senator STEVENS expressed his gratitude to David Hinson for all of his work at the FAA. David has worked hard to bring us a new FAA. He has worked hard to correct many of the past mistakes. New equipment is being installed and the system is being modernized. Without his thoughtfulness and devotion to aviation, many of the changes at the FAA would not have occurred.

I also want to thank Linda DASCHLE, the Deputy Administrator. Linda has spent her career in the aviation field, and the FAA has benefited from her experiences. There were many long nights and heated debates over this aviation bill. Throughout those negotiations, Linda kept pushing all of us forward. I may not have always agreed with her, but in the end, her strength and conviction wore us all out. Without her efforts, this bill would not be before this body today.

The staff of the FAA and DOT also must be thanked for all of their efforts. David and Linda are keenly aware of the dedication of the FAA staff. Steve Palmer and the DOT staff watched over us constantly, to make sure that all issues were addressed appropriately.

The Vice President's efforts also cannot go unmentioned. The President and Vice President are extremely interested in ensuring that the air traffic control system is modernized and that the system is as safe and secure as possible. We have worked with the President's and Vice President's staff throughout this process, and I appreciate the aid and advice provided.

Finally, I want to thank my House colleagues, who worked with us for many long nights to craft a compromise on critical Aviation issues. Mr. SHUSTER, Mr. DUNCUN, Mr. OBERSTAR, and Mr. LIPINSKI, and their staffs, are to be congratulated for a good aviation bill. I also want to note that Congressman OBERSTAR and I have waged a few wars together on the aviation front over the years. This time, but for one or two provisions, we had another good meeting of the minds.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Members of the Senate for



taking this extraordinary step to make certain this important legislation passes and goes to the President. As I said many times, this is probably the most important bill to my State that we have considered in this Congress.

As the Senator from Kentucky just stated, I believe that we are indebted to the Administrator of the FAA, David Hinson, for constant, tireless work on this matter.

As a result of what we are doing, I announce to the Senate, in my office right now are the safety people who are going to carry out this new law and try to find a way to reopen the airport at my capital city of Juneau. There are many other airports that are going to be open because of the action we have taken and, above all, Mr. President, I think we can say to the American people that the skies will be safer. There will be competent people in charge of disasters, should they, God forbid, occur again, and we will have a way to deal with people who are survivors of victims of air crashes in the manner that the coalition of survivors has recommended to the Congress.

This is responsive legislation, and it is responsible legislation. I am grateful to the two managers of the bill, my good friend from Arizona, Senator MCCAIN and Senator FORD and, of course, to the chairman, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their constant commitment to see to it that this Congress passes this landmark legislation for aviation.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3539, the Federal Aviation Administration Reauthorization Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 306 Leg.]

#### YEAS—92

Abraham	Ford	Mack
Akaka	Frahm	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Pell
Bryan	Hefflin	Pressler
Bumpers	Helms	Pryor
Burns	Hollings	Reid
Byrd	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Lautenberg	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	

#### NAYS—2

Simon Specter

#### NOT VOTING—6

Bond	Coats	Gregg
Campbell	Gramm	Leahy

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

#### THANKS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I thank the Presiding Officer [Mr. WARNER] for the way in which he has presided over the last couple of hours. It could have been a very tense time. He kept order and helped us to get through the very important final actions of the Senate.

#### THE FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION BILL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the three votes which we have had today, and to express my very deep concern about the precedents which the Senate has established in attaching to a conference report a highly controversial provision which was not subjected to hearings, or analysis, or the legislative process, and which was rammed through here today without real due process or a real legislative process.

What has happened here—this is somewhat esoteric for someone who may be watching on C-SPAN II—is that the Federal Aviation Administration bill was passed by the House and Senate, and then it went to conference. In the conference there was an addition of a provision to determine which Federal labor agency would have jurisdiction

over express companies. That provision was added into the conference report without having been considered by either the House or the Senate. It was not considered in hearings, it was not considered in debate, and it was not voted on, but it was in effect rammed through, and has become law because it was attached to a bill which has some \$8 billion of Federal airport expenditures—a matter of enormous importance for America generally, and a matter of enormous importance for my home State, Pennsylvania—which has so many airports involved with this necessary funding that comes out of the aviation trust fund.

It does not add to the deficit. It does not come out of general revenues. It is paid for out of an airport trust fund. But what we have done today, I would suggest, is a very, very serious perversion of Senate procedures. What can happen in the future is that under the overruling of the ruling of the Chair, any measure can be added in any conference report at any time, and if the conference report overall touches a subject of sufficient importance it will outweigh a provision which has been added without appropriate consideration.

I voted against cloture—that is, I voted against cutting off debate on the underlying bill—because it seemed to me that provision required analysis, consideration, and debate. It affects thousands of jobs in Pennsylvania because it could determine which agency will govern the issue of labor matters and labor certification, and which representation will be in effect.

It was represented that it was a mistake that it was left out before. I am skeptical about that, Mr. President because we have that representation made all the time. It was represented that it would only apply to one company. Well, that may be one company too many, if it is a bad provision not subjected to analysis, debate, nor hearings in our regular legislative process. But on the face of that provision, it is entirely likely and highly probable that the provision will apply to many companies. And, therefore, I voted against cutting off debate.

Then on the issue of overruling the Chair, the Chair ruled that this provision should not have been in the bill under Senate rules. The Senate overruled the Chair by a vote of 56 to 39. There is talk that we can change the rule. But any time we have set a precedent in this body on allowing an extraneous measure to come in on a conference report, that is a precedent of overwhelming importance. Any time 51 Members think that the matter is so important that it ought to be passed to disregard the rules and the procedure, there is a precedent which has been established.

It is very important to proceed in a principled way, and we have not done that here.

I feel so strongly about that, Mr. President, that I voted against the