

I do think—because so many people now, and growing by leaps and bounds, use air travel in our Nation and the world to conduct their business, which is very dependent on the efficiency of the system, and because this is a very important industry in our Nation, and because the Senate is responsible for giving guidance to many industries—that my amendment is most certainly appropriate.

I have asked it to be a sense-of-the-Senate amendment to ask for a study to be done this year that would ask the airlines to find a cost-effective way and a passenger-friendly way for the transfer of tickets between airlines to facilitate the convenience of our constituents who live in Texas and in Alabama and Louisiana and Montana and Ohio and Hawaii and all of our States—and in Kansas, particularly in Kansas, right in the middle there, people need to get out and about and around.

I thank the Chair for the opportunity to present this sense-of-the-Senate amendment. I am sorry if there are others who will object, but I think it is an important amendment. I offer it in serious fashion for the Senate's consideration.

Senator GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I do object to this amendment.

Here is the issue in a nutshell. It happens all the time. Someone buys a discount ticket. They get a lower price. They get a lower price because they commit that they are going to use that ticket on that day and they are going to use it as a through ticket. If it is round trip, they commit they are going to use it going and coming.

What happens is, they get to the airport early. They find out there is another flight going exactly where they want to go that is getting there an hour earlier. So they go to that other airline and say: Will you take my excursion ticket or my discount ticket? The airline says: Yes, we have an empty seat; we would like to have the money. But they go on to say: The airline you bought the discount ticket from does not allow us to take this excursion ticket.

Now, why is that? Basically when they entered into a contract with the airline, they got the discount fare because they committed to fly on that plane on that day.

Now, they could have gotten a ticket that would have allowed them to change airlines, but they would have had to pay a higher price for it. Many people agonize constantly when they go on vacation and buy a discount ticket and have to lock in those tickets in advance. It can be misery wondering whether or not you are actually going to be able to leave that day. But the point is, the reason you are getting the lower rate is you are committing to use the full ticket.

So the original way the amendment was written is subject to rule XVI. The

amendment was not filed at the desk prior to the deadline. I don't doubt anybody's intention, but it is not the sense of the Senate—at least this part of the Senate—that we ought to be getting into the business of trying to tell airlines how their ticket structure should be made. If you don't want to buy a discount ticket, don't buy it. But the idea that we are going to set up a study where we are going to have the Government recommend to Congress, and we are going to begin to try to change laws that say you can have a discount fare, and then you can do things that the discount fare is not based on, that violates the contract.

The contract you entered into with the discount ticket is a contract, whereby you agreed you are going to use that ticket on that day or you are going to lose it. It might be convenient to change the day. It might be convenient to fly on another airline, which would mean that the airline you entered into the discount fare with would lose their half of the fare to another airline. But the point is, that is a violation of the contract. I don't need the Government to study whether or not we ought to abrogate private contracts.

Therefore, I object to this amendment.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana—is the Senator making a point of order against the Senator's amendment?

Mr. GRAMM. I am. It was not timely filed at the desk.

The PRESIDING OFFICER. The Senator from Louisiana asked unanimous consent to offer her amendment on behalf of the distinguished minority leader, who does have a reserved amendment under the agreement. The Senator's amendment is a sense-of-the-Senate amendment. Therefore, it is not legislation; as such, rule XVI does not apply.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

A PILOT SHORTAGE

Mr. BURNS. Mr. President, I want to bring before the Senate my observations of a hearing that we held in Montana last Friday. It had to do with a pilot shortage in this country, something we have heard very little about but which some of us are quite concerned about.

The hearing examined the impending problem. After the hearing was over, I will say it is moving from impending to maybe an acute pilot shortage, with the factors that contribute to that pos-

sibility. I think the results of that hearing are very serious. I think it is certainly serious to the citizens of Montana and rural States on routes not heavily traveled.

Now, because the national economy has done fairly well, we have seen a tremendous expansion in airlines, the major airlines—the “transcons,” we call them. When business is good, they expand. Of course, expansion means hiring more pilots at almost record numbers, it seems. That creates a problem because pilots who start to work for the majors usually are drawn from the pool of pilots who fly for the local service or regional airlines.

Now, what happens when these pilots are taken up? Regional and local service carriers get caught with fewer pilots, and that means, more times than not, canceled flights. We always wonder why they cancel a flight. Sometimes it is because we are just short of pilots. If this continues, then it is routes such as we find in rural areas in Montana that suffer—some of those routes might even be abandoned. So it doesn't take a doctorate in economics to figure out that the flights and routes that are canceled in these situations are those that are the least profitable; and the sad part, the less profitable a particular route tends to be for an airline, the more important it tends to be for the people who live in that region.

As you know, Montana is a very large State. I was struck the other day that in a new route that had been put in, nonstop, from Missoula, MT, to Minneapolis, MN, the flying time is 2 hours 5 minutes, and the first hour is all spent in Montana. So we understand distances. If a regional airline is the only carrier serving a particular community and it cancels that route, what are the residents of that community supposed to do then? Air service is an essential lifeline to many individuals and communities. In fact, we have communities that are essential air service communities that have no buses and they have no rails. There is no public transportation, other than the local service airline. So our participation in the EAS, the essential air service program, has been a solution to that issue in the case of smaller, isolated communities, but it is jeopardized by operators who want to operate the routes but we have a shortage of pilots.

Now, we talk about this business of the major airlines, and services, and the rights of passengers. Let's take a look at some of the basic problems. Maybe some of those problems are because of us. Who knows?

Historically, the military has always supplied many pilots to the industry. But a large number of pilots who were trained by the military during the Vietnam era are getting to the point where they have to retire because of Federal regulations.

Since the 1950s, airline pilots have had to retire when they reached the

age of 60. I will tell you that some pilots aren't ready to retire at the age of 60. In fact, some pilots shouldn't be retired at 60. They are still able, physically fit, and mentally fit to fly airplanes past that age of 60. The age of 60 does not affect everyone the same way. In fact, I was thinking the other day that 65 doesn't sound nearly as old as it used to. But some pilots are fit enough to keep on flying.

I understand there is great opposition to changing that rule until I look around the world and see what is happening when we have pilots flying major airlines in American airspace that have no age limit at all. Eight countries that fly into and connect into the United States have no age limit at all. In other words, if that pilot is 65, and fit mentally and physically, he still is a captain of that airplane. I think we have to take a look at that.

Also, I find it disturbing that the Federal Government can apply a blanket regulation, such as the age of 60 rule, determining that a pilot exceeding that age is considered a hazard. I cannot accept that at all.

There is also some question about flight and duty time rules that could worsen the pilot shortage and impact air service to those rural areas. I want the Appropriations' Subcommittee on Transportation and the Subcommittee on Aviation of the Commerce Committee to be aware that I think this issue needs a hearing in Washington at the full committee level to make them aware that we may be overlooking some things at the route level that could help us in providing more air service to this country.

We all say our skies are full. Do you realize that commercial air service—basically 85 percent of the air service in this country—takes up only 5 percent of the airspace because of an old, outdated system that we have for vectoring and ITC across this country?

I think maybe we should look at that. I appreciate the time given me by the chairman and the ranking member this morning.

But that is the result of the hearing we had in Kalispell, MT. I think Senators should take a look at this and offer some comments. But I think we should have a hearing on this particular problem in Washington at the full committee level.

I thank the Chair. I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

THE PRESIDING OFFICER (Mr. ALLARD). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have a sense-of-the-Senate resolution by the Senator from Louisiana. She asked for a study, which in this place is a relatively harmless gesture. But what I hear in response is that sud-

denly the Senate wants to be an expert on airlines. No. I don't see it that way. What I see is that we are experts on protecting the public. That is our responsibility. That is why we are sent here—to take care of the public and not to take care of the airlines ahead of the public.

The airlines are wonderful companies. But they are not beyond criticism. They have what amounts to a very uneven playing field. They get their slots. The facilities are paid for by the airline passengers, not the airlines. The airlines have unlimited use of our nation's airspace. They get preferential treatment. They have an air traffic control system paid for by the taxpayers in this country.

There is an objection that I hear to this study that is proposed by the Senator from Louisiana.

When we get discount tickets, that is not a freebie. It is a marketing calculation. The airlines say you can buy a discount ticket, and we are going to make it up elsewhere, and make it up elsewhere they do. No one is objecting to that. That is their marketing scheme.

I have some objection to the fact that in one case flying down from the New York area costs, at a government rate, \$165, and if you fly out of another airport right nearby it is \$38. Why? Because one airline has a stranglehold on the traffic at the costlier airport.

I am going to relinquish the floor momentarily.

I want it abundantly clear that this Senator makes no apology for defending the public first before defending the airlines. I hope the public will take note of this debate.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator from Louisiana for working with me. I think we have worked out language that I can live with and which I think basically does what she wants, which is gather information, and then as a policy-making arm of government we could choose how to deal with it and what to do with it.

I will not object to the modification of her amendment. I think it deals with that problem.

I say to the Senator from New Jersey that it is a stormy Thursday and we all want to finish the bill. But my objection is for preserving private property with the sanctity of contracts and free enterprise. If the government could run airlines better we all would be trying to rebuild our airlines based on the Soviet model. It didn't quite work out that way. We had an empirical test in the world, and our approach won.

I am not trying to defend any interest here other than private property and contracting, and simply noting that for some reason on this stormy day all of a sudden everybody wants to run the airlines.

I want to especially thank the Senator from Louisiana. She has been very kind to me. Thank you.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I have a few observations. My friend, the distinguished Senator from Texas, makes a lot of sense a lot of times. I agree with him most of the time. I especially agree with him on this. We certainly don't want the Government running the airlines. We want the airlines to be as responsive as they can be to the public, which is their customer. That is all of us. We have benefited.

As the Senator from Louisiana said in her remarks, we have benefited immensely from the deregulation of the airlines. We want to keep it that way. I want to deregulate just about everything I can think of, or see, or feel, because I think there is a benefit.

The Senator from Texas is absolutely right. There is something in private enterprise and a contract, and we should respect that. We have to respect that. But I hope the airlines are getting the message that we are getting from the public that there is a lot of unrest out there. Maybe it is lack of communication with the public. But if I buy a ticket and if it is a special ticket, I know it is a special ticket. That is a contract. I know that if I don't use it, I guess I will lose it. I certainly can't skip around on it. Maybe that is a communications problem with whoever is purchasing it. But whatever we do, let's not ever have the Government running any business, especially the airlines.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I appreciate the willingness of the Senator from Texas to work out the objection but to maintain a strong amendment in addressing the sense of the Senate to look into those issues because if there is a way this can be worked out that benefits the airlines and the passengers, I think we most certainly should be about doing that.

I thank the Senator from New Jersey for his comments because, while we all want to see the deregulation work, I think we can all agree it is not perfect and that we could make some good suggestions as to how to improve it to keep the private contracts between the airlines and to honor the sanctity of those private contracts and private arrangements. This is a very public business, as is all business. There is a private side and there is a public side. That is why we have a public sector that does the job we do and a private sector that does the job they do. When we work together, the public is served in the best way. That is all this amendment attempts to do.

I thank the Senator from Alabama, our distinguished leader on this issue, for helping work this out.

AMENDMENT NO. 1679, AS MODIFIED

I submit a modified amendment to the desk. I don't think it will be necessary for the yeas and nays.