

residents located near other airports across the country in a similar situation to what is occurring at the Dekalb-Peachtree Airport. The Commerce Committee has authorized a significant increase in noise mitigation funding for the FAA to address this problem and accelerate the buy-out process.

Mr. COVERDELL. I thank the chairman for his assistance. My staff and I look forward to working with him and the junior Senator from Georgia on this important matter.

Mr. CLELAND. Will the chairman yield for another question?

Mr. MCCAIN. I will be happy to yield to the junior Senator from Georgia.

Mr. CLELAND. Mr. President, the noise mitigation funding which this bill authorizes is very much needed—and appreciated—by communities located near our nation's airports. Over 10 years ago, Georgia's second busiest airport, Dekalb-Peachtree Airport, began a runway expansion program to accommodate its increased traffic. Six years ago, the FAA began providing funding to relocate the residential homes located in the Airport's Runway Protection Zone. Thanks to noise mitigation money, 108 homes have had the opportunity to relocate. Unfortunately, after a decade, 58 homes and 61 businesses are still in limbo, and still impacted by the noise from 225,000 flights a year. This community near Atlanta—and I am sure there are communities in similar straights in Arizona—has suffered for years, because the buy-out has gone on far too long. Don't you agree that in determining the need for noise money, the FAA should take into consideration the harmful, drawn-out impact on communities from long-standing projects which have awaited completion over a number of years?

Mr. MCCAIN. The Senator is correct. As the Senator knows, in the report accompanying the Federal Aviation Administration reauthorization bill, the Commerce Committee, at the instigation of the Junior Senator from Georgia, urges the FAA to take into consideration the negative impact on communities, like DeKalb County, of such unresolved long-standing projects when allocating noise mitigation money.

Mr. CLELAND. I thank the chairman for his remarks, and I look forward to continuing to work with the Senator from Arizona and my colleague from Georgia to complete the Dekalb-Peachtree Airport buy-out.

#### LOUISVILLE AIRPORT

Mr. BUNNING. Mr. President, I want to express my hope that Senators MCCAIN and GORTON will work to include language in the conference report accompanying S. 82, which is of great importance to the Regional Airport Authority of Louisville and Jefferson County, KY. I would like to provide a brief explanation of the need for this provision and what it is intended to accomplish.

Mr. MCCAIN. I thank the Senator from Kentucky for his support of the

legislation and we are pleased to hear his views on this provision.

Mr. BUNNING. In 1991, the Regional Airport Authority of Louisville and Jefferson County entered into a letter of intent (LOI) with the Federal Aviation Administration for funding from the Airport Improvement Program for an ambitious expansion of the Louisville Airport. The LOI was for \$126 million. When the new east runway was completed in 1995 and ready for operation, Louisville was informed that no funds were available in the FAA Facilities and Equipment Account (F&E) to provide an Instrument Landing System (ILS), thus rendering the new runway inoperative. FAA advised Louisville that if they procured the ILS, the FAA would later reimburse them for the expenditure of \$5.68 million for the system.

Mr. MCCAIN. I can appreciate the demands on the F&E account for these expenditures and can well understand how such a regrettable situation might occur.

Mr. BUNNING. We currently have a confusing situation where the FAA has informed Louisville that \$4.2 million in funds drawn down against the LOI in 1998 were for reimbursement for the ILS.

Mr. MCCAIN. As the Senator knows, the FAA routinely provides safety and navigational equipment to airports.

Mr. BUNNING. Yes, indeed. That is precisely the purpose of the language. The \$4.2 million the FAA designated as reimbursement is money the Louisville Airport would have received under the \$126 million LOI anyway. The provision in the legislation simply directs the FAA to amend the existing LOI with the Regional Airport Authority to increase it by \$5.68 million, thus reimbursing Louisville the total cost of the ILS.

Mr. MCCAIN. It is my understanding that a similar provision was included in the Statement of Managers accompanying the Transportation appropriations legislation for fiscal year 2000.

Mr. BUNNING. That is correct.

Mr. MCCAIN. I thank the Senator for his description of the situation, and I will be happy to continue to work to rectify this matter.

Mr. BUNNING. I thank the Senators for their assistance.

#### PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that Dan Elwell, a congressional fellow in Senator STEVENS' office, be granted the privilege of the floor for the pendency of the Senate consideration of S. 82.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding the agreement of yesterday referencing the filing of amendments, Senator FITZGERALD be recognized and that it be in order for him to offer an amendment not previously filed, and that the amendment then be agreed to.

Prior to that, if it is agreeable with Senator FITZGERALD, Senator ASHCROFT wants to have 5 minutes to make a statement. I ask unanimous consent that prior to that, Senator ASHCROFT have 5 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered. The Senator from Missouri is recognized.

#### NOMINATION OF RONNIE WHITE

Mr. ASHCROFT. Mr. President, I thank the Senator from Arizona for affording me this opportunity to make some remarks regarding the vote on the nomination of Ronnie White.

Yesterday, in accordance with the unanimous consent agreement entered into last week, we set aside substantially over an hour to debate not only the White nomination but a number of other nominations which came before the Senate today. I was here for that debate, I engaged in that debate, and I outlined my opposition to Judge White, not my opposition based on anything personal or based on my distaste in any way for the judge, but based on my real reservations about his record as it relates to law enforcement.

After the conclusion of the vote today, there were a number of individuals who secured integrals of time to speak about that nomination and about that vote and raised questions that more properly should have been raised in the debate, and, secondly, deserve a response. So I come to respond in that respect.

I want to explain why I believe Judge White should not have been confirmed, and I believe the Senate acted favorably and appropriately in protecting the strong concerns raised by law enforcement officials.

The National Sheriffs Association expressed their very serious opposition to the nomination of Judge White. The Missouri Federation of Chiefs of Police expressed their opposition. The Missouri Sheriffs Association raised strong concerns and asked for a very serious consideration. In my conferences with law enforcement officials, prosecutors and judges, they raised serious concerns; so that when those who come to the floor today talk about this nomination in a context that is personal rather than professional and is political rather than substantive, I think they miss the point.

There are very serious matters addressed in his record that deserve the attention of the Senate and which, once having been reviewed by Members of the Senate, would lead Senators to the conclusion that, indeed, the Senate did the right thing.

Judge White's sole dissent in the Missouri v. Johnson, a brutal cop killer, an individual who killed three law enforcement officials over several hours, holding a small town in Missouri in a terrified condition, that opinion which sought to create new ground for allowing convicted killers who had the death

penalty ordered in their respect, allowing them new ground for new trials, and the like, is something that ought to trouble us. We do not need judges with a tremendous bent toward criminal activity or with a bent toward excusing or providing second chances or opportunities for those who have been accused in those situations.

Missouri v. Kinder is another case where he was the sole dissenter, a case of murder and assault, murder with a lead pipe, the defendant was seen leaving the scene of the crime with the lead pipe and DNA evidence confirming the presence of the defendant with the person murdered.

The judge in that case wrote a dissent saying that the case was contaminated by a racial bias of the trial judge because the trial judge had indicated that he opposed affirmative action and had switched parties based on that.

Another case, Missouri v. Damask, a drug checkpoint case. The sole dissent in the case was from Judge White who would have expanded substantially the rights of defendants to object to searches and seizures.

I believe that law enforcement officials had an appropriate, valid, reasonable concern. That concern was appropriately recognized and reflected in the vote of the Senate. Not only Missouri needs judges, but the entire country needs judges whose law enforcement experience is such that it sends a signal that they are reliable and will support appropriate law enforcement.

I am grateful to have had this opportunity. No time was expected for debate on this issue today, and as an individual who was involved in this matter, I am pleased to have had this opportunity. I thank the Senate. I thank the Senator from Arizona for helping make this time available to me.

I yield the floor.

#### AIR TRANSPORTATION IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 2264 TO AMENDMENT NO. 1892

(Purpose: To replace the slot provisions relating to Chicago O'Hare International Airport)

Mr. FITZGERALD. Mr. President, I rise on behalf of myself and my colleague from Illinois, Senator DURBIN, to propose an amendment to the amendment proposed by the Presiding Officer himself, Senator GORTON, and Senator ROCKEFELLER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for himself and Mr. DURBIN, proposes an amendment numbered 2264 to amendment No. 1892.

The amendment is as follows:

On page 5, beginning with "apply—" in line 15, strike through line 19 and insert "apply after December 31, 2006, at LaGuardia Air-

port or John F. Kennedy International Airport."

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

#### "§41718. Special Rules for Chicago O'Hare International Airport

"(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Transportation Improvement Act at Chicago O'Hare International Airport.

"(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

"(1) STATE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

"(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

"(B) 12 shall be air carrier slot exemptions.

"(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

"(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

"(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

"(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

"(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

"(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a))."

(2) 3-year report.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike "(B)" and insert "(A)".

On page 19, line 13, strike "(C)" and insert "(B)".

On page 19, line 15, strike "(D)" and insert "(C)".

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor?

Mr. FITZGERALD. Yes, I will yield.

Mr. BYRD. I ask unanimous consent that following the Senator's statement, I be recognized to speak for not to exceed 15 minutes on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, this amendment would exempt O'Hare International Airport from any lifting of the high density rule. I understand this amendment has been accepted on both sides. I ask unanimous consent the amendment be agreed to.

I thank the Presiding Officer himself for his efforts to work with me, and also the distinguished Commerce Committee Chairman, Senator MCCAIN from Arizona, and the ranking Democratic member, Senator ROCKEFELLER. Of course, I thank the good auspices of our majority leader who helped work out this agreement. I appreciate the time and consideration of all on a very difficult matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 2264) was agreed to.

Mr. FITZGERALD. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

#### IN DEFENSE OF CHURCHES

Mr. BYRD. Mr. President, recent comments by a political figure have unfairly and, I think, unjustly castigated American churches and millions of American church-goers as "... a sham and a crutch for weak-minded people who need strength in numbers. [meaning organized religion] tells people to go out and stick their noses in other people's business." Now these comments are being defended as the kind of outspoken honesty that people really seek in a politician. While I am totally in favor of greater candor from politicians, particularly in these days of poll-driven and consultant-drafted mealy-mouthed pap masquerading as "vision," I am emphatically not in favor of rudeness. There is far too much rude and divisive talk in this Nation these days, and it only exacerbates the kind of climate that encourages acts of violence against anyone who is different or any organization that is not mainstream—or maybe even if it is mainstream, as churches are still mainstream, at least in my part of the world. We cannot and should not let this kind of meanness be excused in the name of honesty and candor.

I do not question anyone's right to voice his opinion, whether I agree with it or not, but I also do not believe it is necessary to demean or belittle or denigrate anyone in the process of voicing an opinion. I am pleased to see that I am not alone in my outrage, but that many people have expressed similar feelings. I hope that we can all learn a lesson from this episode.

All of us ask for guidance from those we trust whenever we are faced with difficult problems. We ask our parents, or our wives, we ask our husbands, or our friends. So what is wrong with seeking the advice of someone who has