study after study. But the job that Congress started 20 years ago is incomplete. We still retain outdated controls over the market. Even worse, these controls work to the benefit of entrenched interests and to the detriment of consumers and competition. The sooner the Federal Government stops playing favorites in the industry the better off air travelers will be. The majority of provisions in this bill will get us closer to the goal of completing deregulation.

I urge my colleagues to support the Gorton amendment and vote against any second degree amendment that might weaken its move toward a truly deregulated aviation system.

GORTON-ROCKEFELLER AMENDMENT TO S. 82, THE AIR TRANSPORTATION IMPROVEMENT ACT

Mr. HATCH. Mr. President, I appreciate that the Senate has finally acted on S. 82 to reauthorize the FAA and to deal with some of our Nation's air transportation issues.

In particular, I am pleased that the amendment offered by the Senator from Washington and the Senator from West Virginia was adopted to allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I recognize that this is a serious matter affecting a number of cities and high-profile airports, and I commend my colleagues who worked long and hard to develop this amendment.

While I would have preferred that the final bill include the 48 exemptions contained in S. 82 as it was reported by the Commerce Committee, I recognize that reducing this number to 24 reflects a reasonable compromise. I believe the amendment proposed by Senators GORTON and ROCKEFELLER achieves the central objective, which was to maintain the current level of safety while improving air service for the flying public—which is now almost everyone at one time or another. The compromise also assiduously avoids adversely affecting the quality of life for those living within the perimeter.

Today, my constituents in Utah and in other western communities must double or even triple connect to fly into Washington, DC. The Gorton/Rockefeller amendment goes a long way to addressing this inconvenient and time-consuming process and to ensuring that passengers in Utah and the Intermountain West have expanded options.

I believe that use of this limited exemption should be to improve access throughout the west and not limit the benefits to cities which already enjoy a number of options.

Therefore, when considering applications for these slots, I think it is important for the U.S. Department of Transportation to consider carefully these factors and award opportunities to western hubs, such as the one in Salt Lake City, which connects the largest number of cities to the national transportation network. I want U.S. DOT officials to know that I will be carefully monitoring the implementation of the perimeter slot exemption.

I look forward to working with Transportation Department officials as well as my colleagues in the Senate to ensure that the traveling public has the greatest number of options available to them. I thank the chair.

CABIN AIR QUALITY

Mrs. FEINSTEIN. Mr. President, I rise to draw attention to a problem my colleagues on both sides of the aisle have no doubt encountered—poor air quality on commercial airline flights.

Cabin environmental issues have been a part of air travel since the inception of commercial aircraft almost 70 years ago. However, with the exception of the ban on smoking on domestic flights in 1990, no major changes have occurred to improve the quality of air on commercial flights.

Commercial airplanes operate in an environment hostile to human life. According to Boeing, the conditions existing outside an airplane cabin at modern cruise altitudes off 35,000 feet, are no more survivable by humans than those conditions that would be encountered outside a submarine at extreme ocean depths.

To make air travel more conducive to passengers and flight crews, airplanes are equipped with advanced Environmental Control Systems. While these systems are designed to control cabin pressurization, ventilation and temperature control, they have not diminished the number of health complaints reported by travelers.

It should come as no surprise to my colleagues that the most common complaints from passengers and flight crew are headaches, dizziness, irritable eyes and noses, and exposure to cold and flu. With the amount we travel, I would not be surprised to learn some of my friends in the Senate have suffered some of these symptoms themselves. But complaints of illness do not stop there. Some passengers complaints are as serious as chest pains or nervous system disorders. This is a serious consideration and should be addressed.

Airlines say the most common complaints are a result of the reduction in humidity at high altitudes, or of individuals sitting in close proximity to one another. Airlines even say the air on a plane is better than the air in the terminal. But the airplane cabin is a unique, highly stressful environment. It's low in humidity, pressurized up to a cabin altitude of 8,000 feet above sea level and subject to continuous noise, vibration and accelerations in multiple directions. Air in the airplane cabin is not comparable with air in the airport terminal. It's apples and oranges.

The American Society of Heating, Refrigerating and Air-Conditioning Engineers—or ASHRAE—recently released standards it found suitable for human comfort in a residential or office building. ASHRAE determined that environmental parameters such as air temperature and relative humidity—and nonenvironmental parameters such as clothing insulation and metabolism—all factored in to create a comfortable environment. Airlines immediately chimed in, saying average cabin temperatures and air factors fell within the ASHRAE guidelines for comfort.

But once again, the air in an airplane cabin is not comparable to air in an office building. The volume, air distribution system, air density, relative humidity, occupant density, and unique installations such as lavatories, galleys all make for a unique condition. The ASHRAE guidelines simply do not translate to the airplane cabin.

It is high time we make a concerted effort to study the air quality on our commercial flights and make some changes. Studies done by the airlines are simply not thorough enough. My amendment directs the Secretary of Transportation—in conjunction with the National Academy of Sciences—to conduct a study of the air on our flights. After completion of the 1-year study, the results will be reported to Congress. It is my sincere hope this will be a step toward more comfortable travel conditions for everyone.

I thank the Chair.

JUDICIAL NOMINATIONS

Mr. BUNNING. Mr. President, I voted yesterday to oppose the nominations of Ronnie White to serve as District Court Judge for the Eastern District of Missouri, and Raymond C. Fisher to sit on the Ninth U.S. Circuit Court of Appeals.

As a newly elected member of the Senate, I am acutely aware of our obligation to confirm judges to sit on the Federal courts who will enforce the law without fear or favor.

But, after carefully considering Judge White's record, I am compelled to vote ''no.'' I believe that he has evidenced bias against the death penalty from his seat on the Missouri Supreme Court, even though it is the law in that State. He has voted against the death penalty more than any other judge on that panel, and I am afraid that he would use a lifetime appointment to the Federal bench to push the law in a procriminal direction rather than deferring interpreting the law as written and adhering to the legislative will of the people.

Although Judge Fisher has been recognized as ''thoughtful liberal,'' I cannot in good conscience vote to appoint him to serve a lifetime appointment to the Ninth Circuit Court. Over the last decade, the Ninth Circuit has been a fertile breeding ground for liberal judges to advance their activist agenda—a fact evidenced by the Supreme Court's consistent reversal of cases referred to them from the Ninth Circuit—and I am afraid that Judge Fisher would continue this disturbing

trend. Probably more than any other circuit in the America, the views of the Ninth Circuit are unquestionably out of alignment with mainstream America, and I believe the panel badly needs a sense of judicial balance. I do not believe that Judge Fisher would have helped to provide that balance.

AMERICA'S HEALTH CARE

Mr. GRAMM. Mr. President, I wish to bring to the attention of my colleagues one of the most insightful articles that I have read in regard to the most effective way to promote health care and patient's rights.

Written by Mr. M. Anthony Burns of Ryder System Inc., the comments appear on the op-ed page of yesterday's Washington Post. Mr. Burns speaks as the CEO of a company which provides health care benefits for 80,000 employees and family members. At a time when courage appears to be in short supply, it is refreshing to find a person who is able and willing to publicly examine a complex issue in such a lucid, thoughtful manner.

I encourage all my colleagues to read and consider carefully the analysis offered by Mr. Burns. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1999]

AN ASSAULT ON AMERICA'S HEALTH CARE

(By M. Anthony Burns)

As the CEO of a $5 billion transportation company, when I need legal advice, I listen to the experts. Congress should do the same when it considers the Dingell-Norwood ''Patients' Bill of Rights,'' which would allow patients to sue their HMOs but would also make employers liable in state court for the health care benefits they provide.

The sponsors claim their legislation includes an exemption to shield employers from liability, but Reps. John Dingell and Charlie Norwood are just dead wrong on that. A new study prepared by independent legal experts shows this so-called employers' ''shield'' is nothing more than a legal mirage that provides only the illusion of protection. In reality, very few companies could withstand the lawsuit exposure this bill would impose on every business in America.

David Kenty and Frank Sabatino, experts in employee benefits law and co-authors of the publication ''ERISA: A Comprehensive Guide,'' found that under the Dingell-Norwood bill ''employers would be subject to state law causes of action replete with jury trials, extra-contractual damages, and punitive damages.'' This would ''dramatically change the way that group health benefits claims are litigated in the United States,'' conclude the authors. ''Anyone who claims the contrary is simply failing to comprehend the thrust of the legislation.''

Trial lawyers could initiate lawsuits against employers based on a number of legal arguments, according to Kenty and Sabatino.

First, plaintiffs could argue that insurance companies or third-party administrators are merely the agents of the employer and therefore—shield language notwithstanding—the employer is also responsible.

Second, a lawyer could argue that by selecting one health care provider over another, the employer's discretionary decisions played an integral part in a particular employee/patient outcome.

Third, most employers commonly retain the right to override the decisions of their health care provider or fiduciary to enable them to serve as patient advocates for their employees. The Dingell-Norwood bill would turn that relationship on its ear, forcing most companies to abandon their advocacy role altogether.

Supporters of the lawsuit provisions scoff at the notion that trial attorneys would abuse the health care system or employers who provide insurance. Tell that to the West Virginia convenience store that got hit with a $3 million judgment when one of its workers injured her back opening a pickle jar.

The likely epidemic of litigation this kind of legislation would generate creates an impossible choice for employers. They can continue to provide health care coverage and risk financial disaster if they find themselves on the losing end of a health care lawsuit, whether they had anything to do with treatment decisions or not. Or they can stop providing health care altogether.

In fact, according to a recent survey of small business owners, six out of 10 reported they would be forced to end employee coverage rather than face this risk. Today my company, Ryder, provides top quality health care benefits to 22,000 employees covering more than 80,000 people. We monitor employee satisfaction with our health care providers, and we act as a strong advocate for employees in disputes with these providers.

But if Dingell-Norwood passes, we will be forced to seriously reevaluate whether and how we can continue to offer health benefits to our employees. As with most businesses today, the exposure could simply be too severe for us. It would put our traditional employer-provided system of health care at extreme risk.

Add rising health care costs to this new threat of expensive litigation and it's clear that this legislation is a prescription for disaster. Last year healath care costs went up 6 percent and the average employer spent $4,000 per employee on health care. This year, health care costs are expected to go up an average 9 percent, and potentially much higher for small businesses.

As a result, it will be harder for employers to offer health insurance and, as some costs are passed on, harder for workers to afford it. Research shows that every one percent increase in costs forces 300,000 more people to lose their health care coverage.

A lot of people agree that ''right-to-sue'' provisions don't make sense for either employers or employees. The U.S. Senate, 25 state legislatures and President Clinton's own hand-picked Health Care Quality Commission all refused to support similar provisions to expand liability.

Congress says it wants to make managed care more accountable, but Dingell-Norwood would only raise health care costs, increase the number of uninsured and punish the nation's employers who voluntarily provide health care to millions of American workers and their families.

This legislation isn't a ''Patients' Bill of Rights.'' It's a devastating assault on America's health care system, and Congress should reject it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 5, 1999, the Federal debt stood at $5,657,493,668,389.71 (Five trillion, six hundred fifty-seven billion, four hundred ninety-three million, six hundred sixty-eight thousand, three hundred eighty-nine dollars and seventy-one cents).

One year ago, October 5, 1998, the Federal debt stood at $5,527,218,000,000 (Five trillion, five hundred twenty-seven billion, two hundred eighteen million).

Five years ago, October 5, 1994, the Federal debt stood at $4,692,973,000,000 (Four trillion, six hundred ninety-two billion, nine hundred seventy-three million).

Ten years ago, October 5, 1989, the Federal debt stood at $2,878,570,000,000 (Two trillion, eight hundred seventy-eight billion, five hundred seventy million).

Fifteen years ago, October 5, 1984, the Federal debt stood at $1,572,268,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-eight million) which reflects a debt increase of more than $4 trillion—$4,085,225,668,389.71 (Four trillion, eighty-five billion, two hundred twenty-five million, six hundred sixty-eight thousand, three hundred eighty-nine dollars and seventy-one cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:17 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 559. An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building.''

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2606, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes

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At 11:36 a.m., a message from the House of Representative, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution in which it requests the concurrence of the Senate: