

Water be authorized to meet on Tuesday, September 16, at 9:30 a.m., to conduct an oversight hearing on the implementation of the Clean Water Act.

The hearing will take place in SD 406 (Hearing Room).

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2003, at 2:30 p.m., to conduct a hearing on Financial Reconstruction in Iraq.

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

#### PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that privilege of the floor be granted to Andrew Ayers, a legal intern with my Judiciary Committee staff, during consideration of the debate on S. Res. 17.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Dr. Jonathan Epstein and Mr. Eric Burman, legislative fellows in his office, be given floor privileges during the pendency of H.R. 2754, and any votes thereupon.

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

#### AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 226, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) to authorize representation by the Senate Legal Counsel in the case of *Josue Orta Rivera v. Congress of the United States of America*, et al.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 226) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 226

Whereas, in the case of *Josue Orta Rivera v. Congress of the United States of America*,

et al., Civil No. 03-1684 (SEC), pending in the United States District Court for the District of Puerto Rico, the plaintiff has named as defendants all Members of the Senate, as well as the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and Officers of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent all Members of the Senate, the Vice President, the President Pro Tem, the Secretary of the Senate, the Sergeant at Arms, and the Congress, in the case of *Josue Orta Rivera v. Congress of the United States of America*, et al.

#### DEATH OF INDIANA GOVERNOR FRANK O'BANNON

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 227, a resolution submitted early today by Senator BAYH.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 227) expressing the profound sorrow of the Senate for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones.

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

Mr. BROWNBACK. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 227) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 227

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the United States Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Frank O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Frank O'Bannon will be remembered as a loving husband to his wife Judy, a devoted father to his 3 children, and a caring grandfather to his 5 grandchildren: Now, therefore, be it

*Resolved*, That the Senate—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003;

(2) extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(3) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the United States Air Force and the Indiana State Legislature, and as Governor of Indiana; and

(4) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

#### MEASURE READ THE FIRST TIME—S. 1618

Mr. BROWNBACK. Mr. President, I understand that S. 1618, introduced early today by Senator ROCKEFELLER and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1618) to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

Mr. BROWNBACK. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk and have its next reading on the next legislative day.

Mr. ROCKEFELLER. Mr. President, this legislation reauthorizes the Federal Aviation Administration, FAA, and its core programs, including the Airport Improvement Program, AIP, through March 31, 2004. While I would like to have seen Congress pass a comprehensive multiyear bill, it is not going to be possible by the end of this fiscal year. We need to pass this non-controversial short-term extension to allow the FAA to continue to operate its core safety and airport funding programs.

The Senate produced a very good FAA reauthorization bill, and I was proud to help in developing that legislation. Unfortunately, the final product after negotiations with the House of Representatives was not as good as the Senate-passed bill. It included several dangerous provisions that I could not support, and, in fact, many of my colleagues on both sides of the aisle have raised objections to this legislation.

The most significant reason that the multiyear FAA bill is stalled is because the conference report includes language that allows as large part of the Nation's air traffic control system to be contracted out to private operators. If adopted, the conference report would allow the FAA to initiate the process of contracting out of some air traffic control functions immediately while only delaying the potential privatization for the 4-year life of the bill. The

Senate during its consideration of the FAA bill voted 56 to 41 to keep all air traffic control functions as a governmental responsibility out of a deep sense that the safety of our skies is a basic governmental function. A bipartisan majority of Senators expressed serious concerns over the executive branch's future plans for the management of the air traffic control system, and we voted to impose restrictions on the Administration's proposal precisely to avoid the very outcome of the conference report.

Instead of negotiating in good faith over how best to guarantee the safety of our Nation's air traffic control system, the majority acceded to the administration's demands that they be given absolute discretion over the future of aviation safety. My short-term reauthorization bill includes language that enhances the safety of our Nation's air traffic control while giving the executive branch an appropriate level of flexibility to manage the system. The United States operates the most complex aviation system in the world, and we must have in place a dynamic and responsive safety system. I, along with my colleagues, want to continue to work with the administration on making our aviation system the safest, most secure, and advanced in the world.

This legislation reauthorizes funding for FAA programs and operations. Importantly, the bill reauthorizes the AIP program, which will allow the Federal Government to maintain its investment in airport infrastructure. Small airports are especially dependent on AIP funding to fund capital improvement projects. In addition, the bill includes provisions that reduce small airports share of AIP projects to 5 percent. The bill also allows small airports to maintain their eligibility for AIP entitlement funds if decreased traffic due to September 11 resulted in these airports falling below FAA-required passenger benchmarks.

Congress should not hold up these critical funds over disagreements on

unrelated issues. Broad consensus exists on the need for increased aviation funding. This bill will provide approximately \$1.7 billion in AIP funds, which on an annualized basis would boost AIP funding by \$100 million over last year's level.

To make sure small communities continue to be linked to the Nation's aviation network, the bill also reauthorizes the Essential Air Service Program, EAS, and Small Community Air Service Development Program. The EAS program is a lifeline to our smallest and most isolated communities. The Small Community Air Service Development Program has helped dozens of communities across the country expand their air service options.

Finally, the bill authorizes new security initiatives. Although we have made dramatic improvements in aviation security over the last 20 months, improving aviation security is a continuous process. This bill is another step in this process. The bill addresses the development and implementation of the Computer Assisted Passenger Profiling Program, CAPPS, II, which many Senators are deeply concerned infringes on civil liberties. My legislation imposes a variety of safeguards to protect citizens' privacy as CAPPS II is deployed.

This bill does not have everything I worked hard to include in the Senate's multiyear FAA reauthorization. As I stated, the Senate-passed bill was the result of hard work, compromise, and a commitment to improving the Nation's aviation system. I believe with a little more time, we can find a compromise on the issues holding up the multiyear bill, but in the meantime, the Senate should adopt this short-term reauthorization to preserve the integrity of the aviation system.

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#### ORDERS FOR WEDNESDAY, SEPTEMBER 17, 2003

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 8:30 a.m., Wednesday, September 17. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the House message to accompany S. 3, the partial-birth abortion ban, with the time until 10:30 a.m. equally divided between Senator SANTORUM and Senator BOXER or their designees, provided that when the Senate resumes consideration of the House message to S. 3 tomorrow, there be 4 hours of debate remaining under the guidelines of the previous agreement.

I further ask unanimous consent that at 10:30 a.m. tomorrow, the Senate proceed to the consideration of H.R. 2691, the Interior appropriations bill.

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

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#### PROGRAM

Mr. BROWNBACK. For the information of all Senators, tomorrow the Senate will resume debate on the House message to accompany S. 3, the partial-birth abortion ban, until 10:30 a.m. At 10:30 a.m., the Senate will begin consideration of H.R. 2691, the Interior appropriations bill. It is the majority leader's intention to have amendments offered and debated throughout the day tomorrow. Rollcall votes, therefore, will occur throughout the day as well. Senators will be notified when the first vote is scheduled.

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#### ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Wednesday, September 17, 2003, at 8:30 a.m.