

VA will consider all access issues related to travel, such as road conditions, the number of lanes on roads, and seasonal changes and other factors relating to the weather. I know many of my colleagues share these concerns and I appreciate their taking this opportunity to address them.

Mr. SCHUMER. I thank my friends from Missouri and Maryland for engaging us in this colloquy, and appreciate their efforts to work with us on addressing our concerns with the CARES process. Among these concerns, I am particularly pleased that the managers of this bill have agreed to work with us in addressing the participation of veterans at hearings held by the CARES Commission. The participation of veterans is critical to a process that so directly impacts the quality of healthcare they receive from the VA. It is my understanding that the managers have committed to addressing this specific issue by presenting language to the conference that would recognize the benefits of and the need to have CARES related hearings within 30 miles of all facilities facing closure or a reduction in services, as well as the importance of veteran participation at these hearings. I also understand that the managers have committed to presenting language to the conference that encourages the VA to hold additional hearings in all affected communities following the Secretary's final recommendation.

Mr. BOND. Mr. President I thank the Senators from New York and the Senator from Wyoming for their thoughtful comments. Their understanding is correct, and we will pursue such language in the conference report. Senator MIKULSKI and I will also be sending a letter on their behalf to Secretary Principi with these concerns.

Ms. MIKULSKI. I acknowledge the validity of my colleagues' concerns and look forward to working with them to try to address these concerns in conference and with Secretary Principi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BOND. Mr. President, I think we have reached the point where we are ready to get a final list and a means of proceeding. So if it is agreeable on both sides, I ask unanimous consent that the only other amendments in order to the VA-HUD bill, other than the substitute, be the following: Dayton No. 2193 with 5 minutes equally divided; Senator MCCAIN, amendment on NASA; Senator INHOFE, amendment on air quality; Senator JEFFORDS, National Academy of Sciences study; further that following the scheduled cloture votes on Tuesday, the Senate resume

consideration of the VA-HUD appropriations bill for the consideration of the remaining amendments.

Ms. MIKULSKI. No objection.

Mr. REID. Mr. President, I ask unanimous consent that the time for debate on cloture dealing with FAA be for a full 1 hour, with the time equally divided pursuant to the previous order.

The PRESIDING OFFICER. Is there objection to any of the foregoing requests?

Mr. REID. I express my appreciation to Senator LAUTENBERG and Senator LOTT for allowing us to go forward.

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

#### VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the hour of 4:40 having arrived, the Senate will proceed to consideration of the conference report to accompany H.R. 2115, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 2115, an act to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour equally divided for debate prior to a vote. The Senator from Mississippi will control one-half hour, the Senator from New Jersey will control one-half hour.

The Senator from Mississippi.

Mr. LOTT. Mr. President, this is an important piece of legislation that has been in the process all year now. As we know, the aviation industry has had its difficulties since the events of 9/11 and the Iraq war. Aviation across the board has struggled to comply with additional security requirements and to become economically viable again. A lot of changes are happening in the industry.

But Congress certainly has not been insensitive to the needs of this industry. We passed legislation to be of assistance in, I guess, 6 weeks after the 9/11 events, and then earlier this year additional assistance was provided to the airline industry as a result of losses they were experiencing and expected to experience as a result of the war in Iraq.

But they need the broader long-term Federal Aviation Administration reauthorization. I consider this legislation to be the third leg of the stool to give the aviation industry, as a whole, an opportunity to get up and running, to provide service to the American people, and to, frankly, see blue skies again. That is why this legislation is very important.

If we do not extend this FAA reauthorization, there are certain parts of the program that will either be deferred or will have to shut down. So it

is not insignificant that we are up against the wall in terms of extending the Federal Aviation Administration legislation.

I emphasize, too, that this is not just about the agency. This is about an important part of our economy. We are very mobile in America. Transportation is such an important part of our economy. Americans are flying all over the country, as we speak, on airlines and in general aviation. They are in our airports. It is an important part of our economy. It creates hundreds of thousands of jobs, when it is allowed to function as it should. So we need to get this legislation passed.

It is, in my opinion, about safety in the aviation industry at our airports, in general aviation, with the airlines. We need to make sure the money is there for the aviation program, for the security that needs to be put in place on the airplanes, in the airports, on the perimeters. This is very important legislation. It is part of our overall homeland security program.

I remind my colleagues that H.R. 2115, the FAA reauthorization bill, is a 4-year \$60 billion bill. This is a huge piece of legislation. We need to get it done.

I would like to point out to my colleagues some of the impacts we see as a result of this industry and what it means. First, aviation generates more than \$900 billion in GDP every year. Over the life of this bill, the legislation is expected to create approximately 665,000 jobs; \$14.2 billion in airport grant funding would create these 665,000 jobs. There would be 162,000 jobs in 2004 alone; \$14.2 billion will be used for security, safety, and capacity projects at airports; \$13.3 billion would be to modernize the air traffic control system, and \$500 million for the Essential Air Service program.

This is an important piece of legislation. A lot of money is involved. It is not just about the big airports; this is about the smaller airports. We do have good programs included here, including the Essential Air Service, and also a program that allows communities to be involved and participate with some funding of their own.

We have had an experimental program in place now for the last couple years. This would extend that small community Essential Air Service program. A number of communities around the country are very much interested in having that opportunity.

It also provides new opportunities for flights out of Reagan National Airport, 8 new flights inside and 12 new flights outside the perimeter. So this is very important legislation in terms of the airports.

For the first time we actually make sure the regional airlines get some assistance. When we passed the big legislation back in 2001, the regional airlines were sort of left out. So we would get that done.

It provides for cost-effective programs that could save the taxpayers

\$173 million per year. It has a huge impact on States all over the country. I would like to show a chart to give you some idea of the amount of money and the amount of jobs that would be affected by this legislation. I have the list here. It is too small probably for most of you to see, but I will just pick a couple of them: Alaska, \$522 million, 24,000-plus jobs.

I see the Senator from Georgia, a very important terminal in Atlanta, one of the most important in the country, \$162.6 million; 7,722 jobs; a smaller State, North Dakota, \$59.2 million, 2,814 jobs.

The list is here. If you want to see how your State would be affected with dollars and jobs, we have the information for you.

The question would be, Why has this taken so long? We passed it back in May in the Senate. It passed the House. We went to conference. We worked out an agreement on good legislation. But it did include some language that became controversial. It did say there would not be privatization of the air traffic control system, but it identified 69 sites in medium and small communities where contract hours could be considered or could be actually put into place. So there was a criticism about that.

After trying to work it out in a variety of ways, we went back to conference and took that language out. So we basically went back to the status quo. We don't say there won't be privatization of the air traffic control system, and there won't be. We didn't say that, well, these 69 contract areas might be considered for contract hours. We took both of those out, thinking, well, we are ready to go now.

Strangely enough, that was not acceptable, either. So we have been working in a bipartisan way to try to come up with some solution that would satisfy both parties, all parties, and how this could be handled.

Senator McCAIN, Senator HOLLINGS, Senator ROCKEFELLER, Senator DORGAN, and I sent a letter to the FAA Administrator, Marion Blakey, last week saying we thought it would be appropriate to have a 1-year moratorium on any effort of privatization. We have been working with the administration on that issue since that time.

The administration, I believe, is willing to make a commitment to not go forward for 1 year, for a moratorium, while GAO does a study of the impact of privatization, and also so the Commerce Committee, chaired by the Senator from Arizona, can have hearings on that matter. But they want to be able to go forward with those things that are already underway.

The net result for the air traffic controllers and for other unions within the FAA would be a 1-year moratorium. However, where there is an ongoing A-76 study, that would not be stopped. Now I am being told maybe even that is not enough. I ask, how much is enough?

This is very important legislation that affects the economy of the country and this industry. Are we going to let 1 or 2 groups decide we will not have this \$60 billion bill unless they get some guarantee on something that is not going to happen, anyway? I don't believe that is reasonable. I think we need to go forward and have this vote. Let the American people see who wants to be of assistance to aviation, who really wants to have safety in the skies.

Let me say to all of my colleagues on both sides of the aisle, be careful how you vote because this legislation provides funds for security at airports. It changes who pays for the security costs and where that money would go. The AIP, airport improvement program, which was used for \$500 million in security costs over the last couple of years would not continue to be used for that purpose. It would go back to being used for what it was originally intended—improvements at terminals, runways, and aprons, but there would be a dedicated line of money that would go to security. If you vote against this legislation, and it continues to drag out indefinitely, and we don't get these security funds to the proper place they are supposed to go—particularly the airports—if we have another instance at an airport, or with the airline industry, I would not want to be on record voting against this very important legislation that has been developed over a long period of time, in a bipartisan way.

Mr. McCAIN. Will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. McCAIN. Mr. President, I thank Senator LOTT for all the work he did as chairman of the subcommittee on this issue. I know we don't have a great deal of time. Is the Senator aware in this bill we have \$14.2 billion for security and safety for AIP, \$13 billion to modernize the air traffic control system, \$31 billion to operate—the list goes on and on. There are billions of dollars, including drastically needed improvements in security and essential air service.

I note the Senator from West Virginia, as long as I have been on the committee, has sought money for essential air service. We also have environmental provisions. These are all being held up on one issue on which we have tried to reach some kind of compromise.

My question to the Senator from Mississippi is this: Let's suppose we don't achieve cloture and we don't have 60 votes on this bill. What do the opponents gain by that? It seems to me what they gain is sooner or later we are going to extend the existing programs, which allows further privatization of the towers and other aspects of our air traffic control system, which is what they are fighting against. Yet they will lose. Is this some kind of a statement being made or is this reality? Is there anybody who believes we are going to shut down the air traffic

control system, shut down aviation in America if we don't pass this bill? Either existing law will be extended or we are going to pass this bill. Is that the Senator's assessment? I think our colleagues ought to know what the consequences of this vote will be if we fail to achieve cloture.

Mr. LOTT. Mr. President, I say to the distinguished chairman of the subcommittee he has put his finger right on the heart of the problem. There are funds that would not go out for security and airport improvement if we don't pass this legislation. The alternative would just be to extend the current law for, I don't know, 6 months. The Senator is right that in that case the status quo is in place. As a matter of fact, any privatization efforts that might be underway or they want to do in that period could go forward. We had worked it out where we had language both in the conference report and in a letter that would say there would not be privatization of the air traffic control system.

Finally, even other parts of the FAA would get a 1-year moratorium. This is the classic example of where my colleagues in the Senate—Democrats—seem to be hopelessly pursuing where the last rose lingers. We have a whole bouquet in this bill. It is good for the American people. It is going to be good for the industry and it will create jobs. We are looking for this one last thorny rose we can claim and say, well, we got it done. I note the House has already passed this legislation and we are, I assume, sometime in the next month going to complete our session of this year. We need to get this done. It would be very positive for the industry and for the Congress for us to go ahead and complete this action.

The Senator is absolutely right. The alternative, if we don't pass this legislation, is the status quo, which would allow the administration to do whatever they please in terms of privatization under legislation Congress has previously passed.

I will make one other note. On this idea of contract towers, there are mixed emotions on both sides of the aisle. It is not a Republican or Democrat thing. But there have been hundreds of these contractors put into place. Usually, they are supported by local congressmen and senators—and, by the way, it is an idea that really exploded and was used extensively during the Clinton administration. I am not being critical. In many cases, it makes common sense. In many communities, if you don't have the contract towers, you would not have anything.

For the life of me, I cannot understand why we haven't been able to bring this to conclusion. I think it is time to vote and see who is for getting this legislation done and who wants to preserve the status quo, I guess, or have nothing, which would hold up funds to the tune of billions for security and improvements at our airports.

Since the chairman is here, and I know Senator LAUTENBERG is waiting

to speak, I will reserve the remainder of my time. We will claim more time after Senator LAUTENBERG has had a chance to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. On my time, I ask the Senator from Mississippi just one question, if the Senator is available. I want to put a question to him.

Can the Senator tell me why Congressman YOUNG from Alaska fought so hard to take two of his airports off of the privatization possibility?

Mr. LOTT. Mr. President, on the time of the Senator, I am glad to respond.

Mr. LAUTENBERG. Take a short minute, if you will.

Mr. LOTT. I will give the Senator a direct answer. Senator STEVENS indicated that is what he wanted. I understand there are extenuating circumstances with those two areas in Alaska. That varies from State to State. In some States, they want contract towers for a particular site, and in others not. I agree with the Senator on that. I think we should not have excluded them.

Mr. LAUTENBERG. Mr. President, it is apparent the Congressman from Alaska wants to make sure his people are safe when they are in and out of that airport. He doesn't want to be privatized, and neither do I, or most of the people in the Chamber.

I have great respect for the Senator from Mississippi. He and I will agree on lots of things. When we don't, they are usually deep disagreements. We all want the system to function. The Senator from Arizona certainly understands aviation and how the system operates, but he said something in his remarks that really struck me. No matter what happens, this program is going to get funded. It is going to get funded regardless of the action we take tonight. Why it is that the President of the United States and his people decided to delay implementation of this reauthorization, I will never know. This is kind of like a Custer's last stand: We are going to teach you Democrats something.

Don't teach us; teach the American people how you care about them, about their safety. Why, suddenly, are we so concerned about going commercial? We took roughly 28,000 baggage handlers and said, you know what. The private sector can't handle them. They mess up all the inspections. They are terrible. We have to get them in Government hands where we know things can be properly operated. But when it comes to the FAA, the people who responded so heroically when the tragedy of 9/11 struck our country, no, then we want to put security on the cheap. We want them to be operated by Acme Air, or whoever else it is.

The aviation industry has had a lot of difficulty. Much of that is because our country had an overwhelming tragedy strike us on 9/11, and so our citi-

zens were afraid to travel. They were afraid to get up in an airplane. Now they don't have to worry so much, except for shoulder-guided missile launchers and except for terrorists constantly trying to break through. And now, to make life easier, we are going to take the FAA, the most well-trained group in the country, people who are on the job 24/7, constantly, they are always there when we need them, regardless of weather, regardless of what else happens—when those airplanes struck the Trade Towers, we are now talking about my neighborhood.

I saw the Trade Towers from my apartment house. I didn't see them that day because I happened not to be there, but I notice their absence. It is very clear. The people in the tower at Newark—I know those guys and the ladies. I know them well. I have been up in that tower many times. I used to be commissioner of the Port Authority of New York and New Jersey. I know what goes on in towers. I know we used to gauge rainfall with a pail outside. It wasn't that long ago. The fact is, they could see the buildings burning, and when the order came to take safer action, they did.

We are going to soon be voting closure on the FAA conference report, and it would have passed except for the fact there was an insert put in after neither House had a Democrat in the conference—neither the Senate nor the House of Representatives, neither had a Democrat in the conference. Nevertheless, we are now suddenly delivered a program that includes a recommendation from the White House, which neither body acted upon, and when we voted overwhelmingly to preserve the no-privatization view.

On June 24, 2002, just in the aftermath of 9/11, the President signed an Executive order. So this issue has been in the works for some time. We don't have to talk about who is delaying the movement of the reauthorization bill. There it is. June 4, 2002: Section 1 of this Executive order:

The first sentence of that order is amended by deleting "... an inherently governmental function."

That is what the President of the United States said on June 4, 2002, not too many months after 9/11 took place.

We took up the FAA bill in June. The Senate spoke loudly and clearly: No privatization. The House also spoke loudly: No privatization. But in the conference, the prohibitions disappeared. Conference leaders simply dropped all the language dealing with privatization.

Why did the Members of the conference, sitting behind closed doors, ignore the mandates for safety and security of our aviation system? If you ask them, they say the White House said we had to; so the order. Both Houses of Congress were clear. Both Houses spoke on the issue. Both Houses said no privatization of air traffic controllers. But in the conference, that commitment disappears. Why? Apparently in

this Congress, we pass bills in both Houses, and then the White House writes the conference report.

It is presented graphically on this chart. House bill: No privatization. Senate bill: No privatization of air traffic controllers. White House position: Silence on privatization. Conference bill: Silence on privatization. That is a coverup. What that means is they can go ahead and do it any time they want to.

In this Congress, if the House and Senate agree on something and you throw it out and allow the White House to write whatever they want, we don't usually respond favorably to that happening. The stakes are high because the safety and security of our families, our friends, and our neighbors are at stake. The clearest evidence of this is how our air traffic control system performed on September 11, 2001.

The first airplane struck one of the Trade Towers at 8:45 a.m. This chart shows what the skies looked like at that time. The little light green areas represent airplanes. You can barely see the ground. This was 1 hour, and it was even more crowded than that. The order came out to get the airplanes out of the sky, get them on the ground, get people safely to someplace where they could call their families and let them know what was happening.

One hour later, 5,000 airplanes were taken out of the sky, directed to land at destinations that were not originally planned, and the picture looks like this chart. It is a lot safer. If my family was flying, I would have been very happy to hear they landed someplace, whether it was in Wyoming or Arizona—anyplace else besides New Jersey. I would have just been happy to know they were on the ground.

My State suffered major losses. Almost 700 people—691, to be exact—from New Jersey lost their lives that day in the World Trade Center attack. We are very sensitive to safety. We know this hits home. This is no academic exercise for us. We know there are families tortured by the loss of a father or mother or brother or sister. My oldest daughter lost her best friend in that World Trade Center. They worked together at one financial firm. My daughter went to law school, and this lady went to a place called Kantor Fitzgerald. They lost 700 of their 1,000 employees.

These acts of terror utilizing our aviation system introduced a new era of fear for the U.S. travelers.

September 11 also highlighted the heroic act of many public employees who did their jobs, as they do every day, with skill, courage, and professionalism. Emergency responders, rescuers, firefighters, police officers, and other government employees aided people out of the burning buildings. We heard of a historic incident where a couple of policemen and firemen went into the buildings knowing very well their lives were at stake. Unfortunately, they were right; their lives were at stake, but they tried to save others.

As our aviation system was both under attack and being used as a means of attack, it was the air traffic controllers who protected the tens of thousands of Americans aboard aircraft at that time. The snapshots we have seen tell us the picture quite precisely. Within an hour of the time that the flights were ordered to the ground, the Nation's air traffic controllers made unbelievable progress. We saw that in the chart. Within an hour, numbers of those planes—huge numbers—were successfully grounded.

I repeat, almost 5,000 aircraft were guided safely to the ground in a matter of hours, a tremendous feat. All parts of the system worked well, worked together, and worked safely to bring home those traveling by plane that day. This included roughly 15,000 air controllers, 6,000 technicians, and 2,800 flight service station employees.

These people acted bravely and professionally. So why does President Bush want to honor these heroes of 9/11 by firing them? I do not get that at all. The administration plans to privatize our air traffic control system.

I heard the distinguished Senator from Mississippi say there are no plans, no, but just take away the safeguards and anything one wants can be done. This conference report allows them to do exactly that. It is a bad idea, truly disrespectful to the thousands of September 11 heroes and disrespectful to all of those who worry about air travel when they read about shoulder-fired weapons and even worse.

It is no coincidence that this important section of the FAA bill was omitted without any Democratic input or debate. The American people do not want safety and security on the cheap. They want air traffic control to remain essentially a Government safety function, as it was before President Bush signed that Executive order in 2002. That is why the Senate voted on June 12 of this year—I remind my colleagues who are in the Chamber, talking about who should vote for what—I want everybody in this Chamber to feel like they can look in the mirror and answer the question: What was the best thing I did for the safety and the safeguarding of our airplanes and our passengers? That is to make sure this system stays intact.

The Senate voted on June 12, a vote of 56 to 41—we do not have 56 on this side—to ban this privatization. I remind my colleagues that safety and security are not partisan issues. Eleven of my Republican colleagues voted for safety and security. This conference report on the FAA is not the first conference report produced on this bill. Conferees produced an original conference report that was downright strange.

How much time do we have remaining on our side?

The PRESIDING OFFICER. Fifteen and a half minutes remaining.

Mr. LAUTENBERG. For starters, it exempted the State of Alaska. Of

course, that has something to do with the fact the chairman of the House Transportation Committee is from Alaska. He did not want his airports privatized. He was very specific.

He said: Of course, the criticism of myself is that I exempted the State of Alaska, and here is the reason for that. One, he describes Juneau Field itself to be going under Capstone next year so it would not be eligible to be contracted out. The Merrill Field is a real complex issue. He winds up saying that the airplanes take off right toward my hotel room every morning. I look out and there is one coming right at me. It is an interesting experience and I want to make sure everything is done right in that field.

He does not want Acme air controllers to be there perhaps in the middle of a labor dispute or something like that. He wants to know that the tried and trusted hand of the FAA as it is presently composed continues. If he thinks that exempting Alaska is a good idea, let the other States have an exemption, too. The other 49 should just as well be exempt.

If the Chair would let me know when we have 10 minutes, I would like to turn that time over to the Senator from West Virginia.

The PRESIDING OFFICER (Mr. CORNYN). The Senator will be so notified.

Mr. LAUTENBERG. Privatizing the air traffic control system is a bad idea for many reasons. We should heed the lessons of other countries that tried this already: Canada, Australia, and the United Kingdom. All of these attempts resulted in failures.

We should heed the lessons of the blackouts we experienced in the Northeast this summer that shut down six major airports. Our air traffic control system guided stranded flights safely to the ground.

I do not think it can be any clearer that air traffic control is a vital Government safety and security function.

I sense my colleague from West Virginia would like to use his 10 minutes now.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, for the sake of a flow back and forth, I yield 5 minutes of our remaining time to the chairman of the full committee.

Mr. LAUTENBERG. I yield the time with unanimous consent that I regain it and turn it over to my friend from West Virginia.

Mr. LOTT. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. First, when Air Force One takes the President down to his ranch in Texas, guess what. Horrors, the plane lands at an airport with a contract tower. When the Vice President travels to Jackson Hole, WY, his plane lands at an airport with a contract tower. Perhaps the safety concerns that always surrounds a President and Vice President have been waived in this case.

One of the most respected men in Washington is Ken Mead. He is the inspector general of the Department of Transportation. He did a study on the issue of contract towers. I ask unanimous consent that his letter and that of the Professional Air Traffic Controllers Organization be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION,  
Washington, DC, July 22, 2003.  
Hon. DON YOUNG,  
Chairman, Committee on Transportation and  
Infrastructure, U.S. House of Representatives,  
Washington, DC.

DEAR CHAIRMAN YOUNG: We understand that the House and Senate Conferees may be meeting this week to discuss the Federal Aviation Administration's (FAA) Reauthorization. One issue that will no doubt be included in those deliberations is the provision of the legislation that prohibits FAA from contracting out any Air Traffic Control functions. Specifically, we are concerned that this restriction would eliminate even the option of expanding FAA's Contract Tower Program to the 71 visual flight rule (VFR) towers still operated by the FAA, regardless of how safely and cost efficiently towers in the existing Contract Tower Program are operated.

Based on our work, we think the Conferees should take into account the track record of the 218 VFR towers in the Contract Tower Program. Since 1998, we have conducted audits of various aspects of the Contract Tower Program and have found consistently that the program works well. We found that contract towers provide cost-effective services that are comparable to the quality and safety of FAA-operated towers. For example, last year the level of operational errors at contract towers was comparable to the level of operational errors at FAA VFR towers. The Contract Tower Program also provides services at towers that FAA would otherwise not have staffed because they were too expensive to operate. In 2002, we estimated that contracting out the VFR tower still operated by FAA could save the agency about \$780,000 per tower each year. That translates into about \$55 million in annual savings if all 71 towers were contracted out.

Our point here is not that the 71 VFR towers still operated by FAA should be converted to the Contract Tower Program, but that the option should remain open. We do not support expanding this option beyond the remaining 71 VFR towers still operated by FAA. But in light of the sharp decline in Aviation Trust Fund revenues and the most recent projections of the Federal deficit, we think FAA needs the flexibility to evaluate alternatives for ensuring its operations at all VFR towers are conducted in the safest and most cost-effective manner possible.

We urge the Conferees to consider preserving at least the option of expanding the Contract Tower Program to the 71 VFR towers still operated by the FAA.

If I can answer any questions or be of further assistance in this or any other matter, please feel free to call me at (202) 366-1959, or my Deputy, Todd J. Zinser, at (202) 366-6767.

Sincerely,

KENNETH M. MEAD,  
Inspector General.

PROFESSIONAL AIR TRAFFIC  
CONTROLLERS ORGANIZATION,  
Douglasville, GA, November 6, 2003.

Hon. TRENT LOTT,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR LOTT: I am writing to urge you to support the conference report accompanying H.R. 2115, Vision 100—The Century of Aviation Reauthorization Bill. Please make no mistake; Labor is divided on this issue.

I am the National Representative for the Professional Air Traffic Controllers Organization, PATCO/AFL-CIO, and represent the air traffic controllers in 50 FAA contract air traffic visual flight rule (VFR) control towers (ATC) across the United States. I take exception to the National Air Traffic Controllers Association position that the FAA contract controllers are unsafe. The DOT Inspector General's report released on September 5th states unequivocally the safety benefits to the aviation community and the cost savings to the American taxpayers of the Federal Contract Tower Program. The FAA contract controllers are all FAA certified, most have 15-20 years of experience and the large majority are retired military and former FAA controllers. FAA also closely monitors and oversees all FAA contract tower operations.

H.R. 2115 will enhance aviation safety, security and supports the Airport Improvement Program. The important issue of expanding capacity to aid congested airports is also addressed by the building of new runways and other projects, all of this resulting in the creation of new jobs.

There are those who oppose this bill because they believe it mandates privatization. It does not. The measure, as you know, is now silent on the issue of privatization, leaving the FAA with the management flexibility they have held for decades to evaluate staffing at individual facilities and to make appropriate decisions with regard to safety, efficiency, and fiscal responsibility. Please support the conference report accompanying H.R. 2115 and encourage your colleagues to pass this legislation as quickly as possible.

Sincerely,

JERRY TUSO,

*PATCO National Representative.*

Mr. McCAIN. He says:

Since 1998, we have conducted audits of various aspects of the Contract Tower Program and have found consistently that the program works well. We found that contract towers provide cost-effective services that are comparable in quality and safety to FAA-operated towers.

The difference is it saves \$170 million a year for the taxpayers. By the way, I hope the Senator from New Jersey can get over the Alaska issue. This is a fairly big bill. In all deep sympathy, I hope he can get over two towers in Alaska as we consider this serious issue.

The process was not perfect. We probably should not have put this provision in in conference. We did so at the urging of the administration because there was the threat of a veto by the administration. Ever since then, we have tried to reach some kind of an agreement. We have agreed to have it language neutral. We have agreed there would be a year-long moratorium while GAO and other studies are conducted.

The Senator from Mississippi and I have spent literally hundreds of hours trying to reach some accommodation

to avoid a veto by the President of the United States who flat out said that—guaranteed in writing that we would have a veto—and at the same time try to satisfy the legitimate concerns because of the position of Senator LAUTENBERG and others who voted for the measure to which Senator LAUTENBERG referred.

It seems to me we should have been able to come to some kind of an agreement, including the commitment that we got from the administration, or at least we would have held to, for an all-out moratorium.

Now, if the Senator from New Jersey prevails on this vote, we have previous authorization and privatization will go on. So the Senator from New Jersey may feel great about it but the fact is that with the compromises we offered, he would have been far better off. Instead, we worry about two towers in Alaska.

The point is, we have tried. We have tried to address this issue, which is a very small part of very large legislation, that has to do with aviation security; it has to do with airports; it has to do with all kinds of things. It is a massive bill and we are hung up on this one aspect for which there is a refusal to compromise on the part of the Senator from New Jersey, and I regret it. I deeply regret it because we may lose this vote, although I hope Members realize the consequences of the loss of this vote. Believe me, we are not going to shut down aviation in the United States of America over this issue. We are not going to allow that to happen. It is far too important to all of America's citizens.

Again, I hope my colleagues will pay attention to the letter from Ken Mead, the inspector general of the Department of Transportation, that says clearly that the contract-operated towers are safe consistently, they are cost effective, and their quality and safety is comparable to FAA-operated towers.

I reserve the remainder of Senator LOTT's time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, this is all odd, perplexing.

Mr. LAUTENBERG. Mr. President, I am sorry, but there was a unanimous consent that was agreed to that the time would be turned back, and I just want to make sure we divide it up properly. So I would like to be able to recover the time and then just make a decision to hear our chairman of the subcommittee. How much time is remaining on our side?

The PRESIDING OFFICER. Twelve and a half minutes remain.

Mr. LAUTENBERG. I yield up to 10 minutes to the Senator from West Virginia.

Mr. ROCKEFELLER. I am grateful to my colleague from New Jersey for that. But I am still perplexed. This is all kind of odd to me.

We could, I think, pass this whole thing, the entire authorization bill.

The chairman of the full committee and Senator HOLLINGS and Senator LOTT, both of whom have spoken here, myself, the ranking member on the Aviation Subcommittee, and BYRON DORGAN—we wrote to FAA Administrator Blakey and made a reasonable request, asking for an extension on a certain part of this for a period of a year. We might get that in the next 7 or 8. We might very well get it. The language didn't appear to be quite proper at the time.

We do have the President's statement. As the Senator from New Jersey pointed out, he specifically deleted "an inherently governmental function" when it referred to air traffic performance-based organizations.

I want to support the FAA conference report. I think virtually everybody in the Senate would want to do it. It includes a lot of things that are very important to me for West Virginia. West Virginia is not at the center. We are not exactly a hub of jet aviation, but we are served by many good airlines that do their best to help us. We all know the issue of privatizing the air traffic control system has held this whole thing up for months. It is perplexing, because it does not seem to me to be that big an issue. Yet if we are simply to accede to it, in language which is potentially very vague, we have no idea what might happen.

That is why we sent this letter—my good friend and chairman, and I, and the chairman of the full committee—to try to get this extended for a year so we could look at it and go ahead and pass the rest of all this.

But we have not gotten the letter. We still have 7½ minutes, if I read the clock correctly. It could come in. Then we could all vote for the entire conference report. But short of getting that letter and that commitment, which we all signed on a bipartisan basis, then I think we have to vote against cloture because it is entirely a matter of employees being accountable to the public who maintain the airplanes, who are the service stations that send them from one place to another. That is accountability to the public. It is not accountability to the bottom line. It is not a matter of contracting out. This is fundamental safety.

If you ever go out to Herndon, VA, as I have, and you see the latest technology and you see all the airplanes in the air at any given moment in the United States of America, you can hardly see the country. There are airplanes everywhere and they are all traveling. They have to be guided. A lot of them are general aviation. Some of them are not, obviously.

The inability of Congress to resolve this issue has created a very significant uncertainty for our airports in particular. These are hard times for aviation. I don't think it is the right time to add more trouble in their life, more uncertainty in their life, less predictability in their life, and the worry about less safety in their life.

Last week we did attempt to resolve the main issue that held this up. As I indicated, Senators MCCAIN, HOLLINGS, LOTT, DORGAN, and myself did send the FAA Administrator a very straightforward, honest letter and we requested the FAA impose a 1-year moratorium on the actual contracting out of any air traffic control functions, including flight service stations, which provide enormously important information to pilots. You can't do without them.

I have a little community in my State called Elkins, WV, which is currently not served by commercial aviation, but it does have a critically important flight service station that handles traffic for a significant part of the Washington, DC metropolitan area that is at risk of being contracted out—and will be.

Flight service stations such as these are absolutely vital security links in our Nation's air traffic control system and they have to be protected from privatization.

I come from a private enterprise background, and that has been pointed out to me humorously, or not, but you just can't fool around with public safety. You can't do it. Police officers are not contracted out. I guess they are in Iraq, but they are not in this country. They are public servants. Or you hire a private guard if you want to, something of that sort, but basically, protection of public life and public passage is in the hands of the Federal Government. And it should be. It has always been there. People trust it. If you took it away, or parts of it away, people would be stunned. I think they would be stunned.

This Senator can only support cloture if the administration has made a strong commitment to hold off any changes to the management of the air traffic control system for a year. And we have still 4 minutes to get that letter. Then we will vote for the conference report and I will happily do so because I agree with the Senator from Mississippi, there are lots of good things in it. But safety, unfortunately, is one of those things you cannot compromise.

The Senator from Arizona spoke about Air Force One and Air Force Two. I have never had any doubt they are well cared for. But there is a lot of other general aviation that may not be quite as well tended to, and we have to worry about that.

I don't think the conference report is going to pass the Senate if this letter doesn't arrive. It is not just a case of where the perfect is the enemy of the good but, rather, it is a fundamental debate over the future of aviation and security. It is a huge subject. Aviation is an enormous employer, creating enormous economic activity in our country.

This is not the process we should have to use for the FAA conference report. I would be the first to say that. It grieves me. This legislation has always enjoyed bipartisan support.

I want to set the record straight for 1 second and then I will be finished, on how this came about. When the Senate debated, as has been said by the Senator from New Jersey, we debated this important bipartisan bill. We had a bipartisan majority of Senators express serious concerns over the executive branch's future plans for the safety management of the air traffic control system as a whole. As the Senator indicated, we voted 56 to 41 to impose restrictions on the administration's proposal precisely to avoid the very outcome of the conference report we are now facing, which is allowing the administration to privatize functions of the air traffic control system.

I will not get into the House of Representatives. They also had voted to impose these safety restrictions. In the end, the majority of conferees—we were never invited to be a part of, I was never invited to be a part of, but I have become accustomed to that because I was part of the Medicare conference and I wasn't part of that, so my threshold of expectations was low. But we had the will of both Chambers being expressed. Unfortunately, the conferees bent to the desire of the administration.

Congress has clearly spoken on its concerns over air traffic control privatization. Let us use next year to develop policies and make the system more secure, more safe, and more efficient. I urge my colleagues to reject cloture unless we get a letter in the next minute and a half which commits to this protection which I think we all want.

This is an enormous subject. I deeply regret we have come to this point. There is no reason we should have, but we have. Assuming that letter will not come, I will have to ask my colleagues to vote against cloture.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, before he leaves the Chamber, I thank the Senator from West Virginia for his work on the Commerce Committee, and specifically for his work and his cooperation on the development of this legislation, both at the subcommittee and full committee level and here in the Chamber of the Senate, and also for the tone of his remarks. He wants to get this done and that is the attitude we should all have. In fact, that has been my goal. I am trying to find a way we can get a bill completed that has \$60 billion in it, billions of dollars for security for our airports and for the airline industry as a whole and that the President will sign.

Is this about trying to win the point—the congressional position will prevail and the President's position will prevail? How about finding a position we can both live with? That is, fortunately or unfortunately, how it works sometimes in a legislative body. That has always been my attitude. I am not interested in making statements. We came here to get things

done. We need to get this legislation completed. That is why we have been working feverishly to try to come to a conclusion.

With regard to contract towers, we have one in Tupelo, MS. It works fine.

I believe the record will show that the Senator from New Jersey has over the years supported the concept of contract towers. As a matter of fact, when he was chairman of the Transportation Appropriations Subcommittee, in 1994, the number of contract towers grew from 14 in 1987 to 59 at the end of 1994—an increase of 300 percent while he was subcommittee chairman.

I repeat again something I said: This is not a Republican idea. I am not even sure it is a Democrat idea. But it is an idea that was used effectively during Democratic administrations and Republican administrations.

The 1994 Senate report says:

In light of the recent recommendations in the "Report of the National Performance Review" which calls for converting level I control towers to contract operations, the Committee has provided an additional \$1 million above the amount requested for this program.

That was in the Transportation Appropriations Subcommittee report in 1994.

Here is the most important language from the subcommittee chairman, Senator LAUTENBERG.

The Committee believes this public/private sector program (contract towers) has provided significant safety and economic benefits to smaller communities at a reduced cost to the Federal Government since its inception in 1982. The Committee urges FAA to expand the programs where appropriate.

Now, all of a sudden, contract towers are something really heinous. What is the difference in 1994 and 2003? We have done a lot more—I think over 200 of them. I think most of them work just fine.

I do not know. We are doing a little revisionist history here.

I emphasize this: There is no language in this conference report that would identify contract towers for Alaska, in or out. We took that out. It is not here.

We also had language in the conference report that said we would not have privatization of the air traffic control system.

Declare victory? Oh, no. That was a problem because it didn't apply to all parts and all unions involved in FAA.

That is what this is really all about. It is about making sure that every one of the unions that are involved in the Federal Aviation Administration are excluded.

Again, we are, I guess, looking for the perfect here. All the talk is about air traffic controllers, but as a matter of fact, it involves the Federal Flight Weather Service people, it involves maintenance, it involves everybody.

We can't have privatization of any part of the FAA, would be the attitude of some. I just do not understand that language here.

So it is very important that we realize what is actually in this conference

report and what is not. My guess is, Can you accept victory? Can you accept victory? The administration has said they will put it in writing; they would have supported it in legislation; no privatization of air traffic control systems.

I ask the Senator from New Jersey. He addressed a question to me. I address a question to the Senator from New Jersey. Will he accept a commitment of a 1-year moratorium of no privatization of the air traffic controllers?

Mr. LAUTENBERG. If the Senator from Mississippi would read that infamous letter we are talking about, it says no actual privatization will take place.

Mr. LOTT. That is my point.

Mr. LAUTENBERG. My goodness, we couldn't privatize it within a year if we started today. That letter doesn't say what it is purported to say.

Mr. THOMAS. Mr. President, the FAA conference report before us this evening is critical because it provides funding for crucial safety, security and capacity projects at airports across the country.

I strongly believe that all Senators should support this cloture vote—especially since it includes provisions to strengthen our Nation's air service. However, a handful of Members on the other side of the aisle have held this measure up due to inaccurate claims that the administration wants to privatize our air traffic control system. I would like to take a few minutes to set the record straight.

The objective of the FAA contract tower program is to reduce costs to the Federal Government by contracting out the operation of low-activity towers while providing a safe and efficient service to users of the National Airspace System. Without the contract tower program, many smaller airports would be left with no air traffic control services.

Since 1982, the FAA has used the contract tower program to provide air traffic control services at low activity Visual Flight Rules towers across the country.

In 1994, the Program was expanded to include the conversion of FAA Level 1 Visual Flight Rule towers to contract operations. This expansion was included in Vice President Gore's National Performance Review and supported by Congress. The Department of Transportation's Inspector General has publicly stated how important the contract tower program is. This program makes sense because it allows the FAA to realign its resources in a more efficient and effective manner; it has a better safety rate than FAA towers; and, it saves taxpayer dollars.

All contract controllers are certified by FAA, and contract tower facilities are monitored on a regular basis by the agency. Additionally, the vast majority of contract controllers are former FAA and military controllers. All contract controllers are subject to the same training requirements and operating rules and procedures.

Presently, the FAA is operating 219 contract towers at airports throughout the continental United States, Alaska, Hawaii, Guam, and Puerto Rico. The Contract Tower program cost for FY 2002 was \$73.5 million. This program results in annual savings of over \$54 million.

A recent audit by the Inspector General at the Department of Transportation validated the cost savings, and found that contract towers operate as safely and efficiently as FAA towers. Contract tower locations are evaluated by the FAA under the same requirements as FAA staffed towers.

Contract towers are staffed at the levels required under current contracts. Contracts are required to submit monthly staffing reports—which provides verification that they are in compliance with their FAA approved staffing plans.

Several audits have commended the FAA's Contract Tower program for oversight of contractors and strict monitoring of controller staffing levels.

According to Department of Transportation Inspector General Kenneth Mead, the contract tower program provides "cost-effective services that are comparable to the quality and safety of FAA-operated towers." Additionally, the National Transportation Safety Board—NTSB—supports the contract tower program.

I find it hard to believe that a handful of Democrats know more than NTSB or the inspector general when it comes to aviation safety.

There are many aspects of our Nation's aviation system. Nothing in the FAA Conference Report would allow for privatization. Simply put, under this bill the FAA would continue to exercise the authority it has had since 1982.

A number of my colleagues have implied that this bill is an attempt to contract out the job of Enroute Control Centers. Enroute controllers are responsible for directing traffic across the United States—the Contract Tower Program has nothing to do with these positions.

At Congressional hearings this year, DOT's inspector general stated that with the sharp decline in revenues to the aviation trust fund and the most recent projections of the federal deficit, the FAA needs the flexibility to ensure VFR towers are conducted in the safest and most cost-effective manner possible.

Wyoming's busiest commercial airport—Jackson Hole—operates under a contract tower. The Jackson Airport handles over 63 percent of Wyoming's commercial air traffic.

For those who question the safety of contract towers, I would like to point out that Vice President CHENEY and President Bush both use contract towers when they fly to their respective home States. If the contract towers are safe enough for the President and Vice President—I believe they are safe enough for the American public.

I would like to quote Senator LAUTENBERG's floor statement during consideration of the fiscal year 1994 Department of Transportation and Related Agencies Appropriations Act on October 4, 1993. He said:

The use of contract towers is an example of how we can reduce the costs of Government services and achieve savings over the long run. FAA estimates that the use of a contract control tower saves \$200,000 annually because of the flexibility available in scheduling controller working hours around changes in air traffic activity levels.

I ask unanimous consent that the Talon News article by Jeff Gannon dated September 23, 2003 be printed in the RECORD.

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

[From the Talon News Sept. 23, 2003]

DASCHLE, LAUTENBERG VOW TO FIGHT FAA PRIVATIZATION THEY SUPPORTED IN 1994

(By Jeff Gannon)

WASHINGTON (TALON NEWS).—New Jersey Democrat Sen. Frank Lautenberg is promising to hold up the Federal Aviation Administration reauthorization bill over the subcontracting of some air traffic control jobs. He cited safety concerns as the basis for his opposition to the outsourcing of air traffic control functions.

President Bush has threatened to veto a bill that does not include language to allow the privatization that his administration says will result in increased savings with no reduction in safety. Democrats are challenging competitive sourcing of thousands of federal jobs through insertion of amendments into departmental appropriations bills that would prohibit the practice.

Some are characterizing Lautenberg's opposition to the privatization as political, since he championed a similar program in 1994.

Geoffrey Segal, the Director of Government Reform Policy for the Reason Foundation, told Talon News, "The change in position clearly is pandering to special interests, in this case NATCA (National Air Traffic Controllers Association), who have aggressively stepped up their lobbying efforts to fight competition in the FAA."

Segal pointed out that, while serving as chairman of the Senate Transportation Appropriations Subcommittee, Lautenberg supported the part of Vice President Al Gore's program for "reinventing government" that included the changes now being proposed by President Bush.

Segal continued his criticism of Lautenberg, saying, "The flip-flop in position is pure partisan politics—it's reform when proposed by a Democrat, but it's trading safety and security for profits when it's a Republican proposal."

Lautenberg was quoted in the Washington Post in 1994, saying, "The [Clinton] administration's proposal to privatize the air traffic control system is consistent with the desire to bring more efficiency and reform to government and should be reviewed seriously."

On the Senate floor in 1993, the New Jersey Democrat declared, "I strongly endorse the FAA's contract tower program for level 1 (the smallest) control towers. . . . The use of contract towers is an example of how we can reduce the costs of Government services and achieve savings over the long run."

Lautenberg justified his support of privatization by saying, "FAA estimates that the use of a contact tower saves \$200,000 annually because of the flexibility available in scheduling controller working hours around changes in air traffic activity levels."

At the time, South Dakota Sen. Tom Daschle (D-SD) praised Lautenberg's efforts, saying, "I would like to compliment the Senator from New Jersey for once again doing a masterful job in providing the Senate with an appropriations bill that recognizes the importance of our transportation systems to the health of our economy and fairly balances the competing demands for improved transportation services throughout the United States."

Daschle continued his complimentary assessment of the privatization provision, saying, "I am grateful that report directs the FAA to include the Aberdeen (South Dakota) Airport in the FAA's contract tower program."

Lind Hall Daschle, the senator's wife, was a deputy administrator for the FAA from 1993 until 1997.

The Reason Foundation's Segal summarized his assessment of the political motivation of the Senate Democrats by saying, "Of course, the larger picture is that both Sens. Lautenberg and Daschle supported bringing competition to government, however, as part of President Bush's plan to do the same, both senators are outspoken opponents of the plan. It seems that competition in Aberdeen is good for Sen. Daschle's constituents but not for American taxpayers."

FAA officials have suggested that unless action is taken by the September 30 expiration of the current authorization, it would begin to furlough non-essential personnel. Marion C. Blakey, the agency's administrator, predicts more dire consequences. The New York Times quotes her as saying, "We see ourselves on the brink of closing the doors."

A temporary reauthorization measure is being proposed to break the impasse and to avoid a shutdown of the FAA. Two Republicans, Sens. Trent Lott (R-MS) and John McCain (R-AZ), indicated they would oppose any short-term extension and intend to continue work on the full four-year bill.

Mr. THOMAS. Mr. President, I hope my colleagues and the American public see that under the Clinton administration the Contract Tower Program was okay but it's not today—under a Republican administration.

This conference report includes many important provisions for our aviation system. It includes billions in funding for the Airport Improvement Program; provides continuation of the Essential Air Service and Small Community Air Service programs; funds FAA operations, air traffic control facilities and equipment; extends War Risk Insurance to March 2008; and it provides streamlining for airport capacity, safety and security projects.

Secretary Norman Mineta has stated that "passage of this legislation offers millions of American travelers the assurance that the Nation's aviation system will remain the safest, most efficient and most competitive in the world." The facts speak for themselves. The Contract Tower Program provides cost effective, quality and safe air traffic control services to smaller airports.

I urge my colleagues to support cloture on this important bill.

Mr. KENNEDY. Mr. President, the tragedy of September 11 has been seared into all our memories. We will never forget the sudden massive loss of lives, and the realization that our country was now extremely vulnerable

to terrorist attack. We remember the extraordinary courage of the passengers on the fourth plane who prevented the terrorists from completing their murderous mission. We also remember the extraordinary courage of the firefighters, police officers, and other rescue workers at the sites of the attacks, and millions of our fellow citizens who reached out to help the families of the victims.

We remember as well the extraordinary performance of the air traffic controllers, who took on the incredible challenge of protecting the whole aviation network and ensuring the safety of the public on that tragic day and in the days that followed. Their professionalism and patriotism inspired us all.

So why in the world is the administration now attempting to undermine those brave citizens? We must defend them instead, because the air traffic controllers are defending us and defending the safety of the American flying public.

Over and over again we see the problems in the administration's privatization policy throughout the Federal Government. We have been fighting other battles to correct those policies and make them fair for Federal employees.

But we must be especially careful with these policies when they affect homeland security. We all know what a disaster it was when private companies screened bags at our airports. Now, Federal workers are doing the job better, and Americans are feeling safer.

Both the House and the Senate specifically voted to protect air traffic controllers and keep these vital safety jobs as part of the Federal workforce. Yet now, because of a shameful veto threat from the White House, the House and Senate Republican leadership have yielded to and agreed to a privatization of these jobs. That change is unacceptable.

In fact, the Senate bill contained even stronger protections than the House bill. The Senate voted 56 to 41 to approve Senator LAUTENBERG's amendment to protect not just air traffic controllers, but also systems specialists and flight service station controllers from privatization. I commend my colleague from New Jersey for his continued leadership in this important battle.

The FAA reauthorization bill now before us defies the will of the majority in both the House and the Senate. It undermines the safety of our aviation system, and I urge my colleagues to vote "no" on cloture.

Mr. REID. Mr. President, the U.S. air traffic control system works miraculously well. It is a public system that is admired around the world. American air traffic controllers safely and efficiently guide 9 million flights a year with more than 600 million passengers.

When it comes to the safety of air travel, the American people demand perfection, and rightfully so. That is why the Federal Aviation Administra-

tion has set a goal of reducing air traffic fatalities to near zero. This challenge has become increasingly complex as flights have increased to meet the growing needs of the traveling public. There isn't much room for error.

Unfortunately, the administration and House Republican leaders are backing a plan that compromises passenger safety by privatizing the air traffic control system. This flawed and misguided plan is contained in the conference report on this FAA bill. It is opposed by 71 percent of Americans.

Earlier this summer, the U.S. Senate and House of Representatives both voted in their respective FAA bills to maintain air traffic control as a public function and prevent it from being privatized. That is the will of Congress.

Instead of affirming that the safety of air travelers is the responsibility of the United States Government, members of the conference committee, at the urging of the administration, passed an initial conference report that allowed for immediate privatization of 69 air traffic control towers.

This brazen attempt at privatization was met with such opposition that the House was forced to recommit the bill to conference. However, once recommitted, the House simply stripped language in the conference report dealing with privatization. No conference committee meetings were held. The bill was passed along party lines. And our Republican friends say this is the status quo.

Nothing could be further from the truth. The House and Senate passed language to prohibit privatization in response to an Executive order by the administration to privatize the air traffic control system.

Put simply, the conference report allows the FAA to privatize any air traffic control functions at its whim. This policy creates a puzzling contradiction. Our Government has declared that your luggage is important enough to be screened by trained Federal workers, but once you are up in the sky, with your life in the balance, the administration apparently feels that your safety isn't as important as your suitcase.

Any meaningful legislation must follow the mandate of the Senate and House bills and refrain from trying to privatize our air traffic control system.

If the House attempts to force privatization of our Nation's air traffic control system, it will only delay funding of essential airport infrastructure and security programs. That would be irresponsible and even reckless.

We urge our colleagues to work with us to craft a revised FAA bill that honors the overwhelming sentiment in Congress against privatization of air traffic control operations and maintenance, that protects the U.S. aviation industry from unfair foreign competition and maintains Federal support of the essential air service, and a bill that ensures that our Nation's flight attendants receive mandatory antiterrorism training.

Let's move forward by passing a straight 6-month extension of all FAA programs that will provide the necessary time to work through these issues. An extension bill, introduced by Senators ROCKEFELLER, LAUTENBERG, and DASCHLE, will provide a vehicle for the Congress to get the process and substance of the FAA bill right.

I am confident that both Chambers of Congress will reassert their intent to block privatization, protect the integrity of essential air service, continue the ban on cabotage, and train flight attendants as mandated under existing legislation.

Americans entrust their lives every day to our air traffic controllers. Now they are trusting us to protect their safety.

#### FAA PRIVATIZATION

Mr. REID. Our friends of the other side of the aisle suggest that President Bush has no plans to privatize the air traffic control system. They point out that the President hasn't privatized any towers in the past 3 years. Then why is the President threatening to veto this bill if it includes language to prohibit privatization? Why is the President delaying the funding for essential airport construction projects? Does this make any sense to the Senator?

Mr. LAUTENBERG. Unfortunately, certain Senate conferees to the FAA bill decided to remove all barriers to privatizing our national air traffic control system. But both the Senate and the House voted to put these barriers in the bill as a response to President Bush's actions, including the issuance of an Executive order, to move towards privatizing air traffic control. And the President feels so strongly about privatizing that he has forced conference leaders not to take any actions in the bill. And this is not agreeable to those of us concerned about the safety impacts of the President's plan. To my dismay, this ideological crusade by the White House has held up passage of the legislation for over 3 months, and I am disappointed that some of my colleagues are willing to sacrifice safety for this zeal to privatize.

Mr. REID. Our colleagues also point out that President Clinton privatized 116 of the current 219 contract towers. Isn't it inconsistent for Democrats to argue privatization when it was a common practice under the Clinton administration?

Mr. LAUTENBERG. Between 1994 and 2000, the FAA did contract out 130 small FAA towers. These were "level I towers"—generally with less than 25 operations per hour and operating under "visual flight rules"—that is, without radar equipment. I also note that the current list of 219 towers constitutes a small fraction of overall air traffic in the United States. While exploring ways to modernize air traffic control equipment for the entire national system, the Clinton administration proposed a Federal corporation to take over air traffic operations. While I

initially was willing to consider this proposal, it was rapidly determined to be a poor idea, and the President eventually made the determination that air traffic control is an inherently governmental function. So during reauthorization of the FAA bill in 1996 and 2000, we agreed to FAA management reforms, to give FAA the flexibility it needs to act as a better manager, not privatization. In the end, the President and the Congress agreed that air traffic control is an inherently governmental function, and recognized that it was not wise to pursue privatization. Unfortunately, the Bush administration reversed the Clinton administration's executive order last year, reclassifying air traffic control functions so that privatization could proceed. And this was after September 11. In summary, the Clinton administration did not support privatization, while the Bush administration does support privatization.

Mr. REID. You mentioned that the Bush administration reversed the Executive order issued by the Clinton administration establishing air traffic control as an inherently governmental function. Did the Bush administration have second thoughts about that after September 11, 2001?

Mr. LAUTENBERG. I say to Senator REID, this may be hard to believe, but the Bush administration issued their Executive order after September 11. I find that especially troubling in light of the incredible and even heroic performance by the Federal employees of our Nation's air traffic control system on September 11. The security of the Nation's airlines became so important that we felt the need to federalize baggage screening. But somehow, this administration still wants to privatize the air traffic control system.

Mr. JEFFORDS. Mr. President, I have serious concerns about several provisions found in the FAA reauthorization conference report. Before the Senate passed S. 824, the FAA reauthorization bill, we expressly prohibited additional privatization of air traffic controllers. We also eliminated a proposed cost-sharing requirement for local communities that participate in the essential air service program. This requirement would have placed an insurmountable burden on many remote communities struggling to maintain commercial air service.

Our colleagues in the House responded similarly to these issues. When the Senate and House bills went to conference, neither Chamber's legislation permitted privatization of air traffic controllers, nor did either bill contain an essential air service cost-share requirement.

Therefore, I was surprised and disappointed to learn that the final conference report allows both.

I am also very concerned about the provisions in this bill affecting the National Environmental Policy Act, NEPA. While not actually an amendment to NEPA, these provisions are more likely to lead to extended con-

flict, litigation and confusion—far from a streamlined result. In addition, the Department of Transportation has neither the authority nor the expertise to determine the environmental impact of various alternatives to a project under environmental statutes such as the Clean Water Act and the Endangered Species Act. Other Federal entities, such as the Army Corps of Engineers or the Fish and Wildlife Service who have specific statutory mandates, must evaluate alternatives under Federal law when their jurisdiction is invoked.

For example, regulations governing wetlands permits under section 404 of the Clean Water Act require the Army Corps of Engineers to evaluate several factors such as "fish and wildlife values," "water quality," "conservation," and "aesthetics" in determining whether a permit is in the public's interest. The Clean Water Act imposes specific substantive standards on the Corps' decision and prohibits the Corps from issuing a permit to fill a wetland if there is a less damaging practicable alternative. Under current law, the Corps has the authority to supplement NEPA documents with additional information in order to fulfill its legal responsibility. The legal obligations of these other agencies have not been repealed by the language in this bill, nor should they be.

There is ample authority contained in the existing NEPA statute and regulations for coordination among Federal agencies in performing required environmental reviews. The confusing statutory directions contained in this bill are both unnecessary and counterproductive if the desired result is efficient project completion.

Given its current content, I cannot support this conference report.

Just last year, Congress determined that, for security reasons, airport passenger screeners should be Federal employees. Why would we treat air traffic controllers differently? They play an equally important role in ensuring the safety of our air travelers.

Our air traffic control network safely guides more than 700 million passengers a year. In addition, the ATC network provides a crucial national security service by coordinating the national air space for military aircraft as well as for commercial aircraft. As we saw immediately following the terrorist attacks of September 11, 2001, the ATC system must be prepared to respond quickly and efficiently in emergency situations.

In order to best ensure the safety of air travel in this country, our air traffic control network must remain a Federal responsibility. This bill permits privatization of air traffic control towers around the country.

I am also very concerned that the essential air service cost-share language found its way back into this legislation. The EAS program was created in 1978, when Congress passed the Airline Deregulation Act, reflecting Congress's

belief that deregulation should not result in the elimination of airport service in rural communities. In my home State of Vermont, the Rutland State Airport depends on this program to maintain commercial service in and out of the Rutland region.

For many cash-strapped EAS communities, the local match required by the cost-share provision in this bill is insurmountable. Mandatory cost-shares will mean the end of commercial air service in many economically depressed rural areas. If we adopt this provision, we have essentially defeated the goal of the EAS program.

Both the House and the Senate acted on these two provisions earlier this year. The FAA conference report reverses the positions that a majority of our Members agreed to on the House and Senate floors. Rather than endorse the flaws found in this legislation, I urge my colleagues to support S. 1618, Senator ROCKEFELLER's short-term extension of the Federal Aviation Administration programs. This bill provides the additional time we need to work out a long-term reauthorization package that represents the positions of a majority of Members of both Houses of Congress.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I would like the record to reflect my opposition to the Vision 100—Century of Flight conference report. The final bill does not include any prohibition against privatizing the air traffic control system, an issue that has serious safety and national security implications. I voted in favor of the Lautenberg amendment in June and will oppose ending debate today because passage of this bill without language protecting ATC from privatization will make our aviation system less secure and more vulnerable to terrorist attacks.

After the September 11 attacks it was obvious that the Federal Government needed to assume a greater role in aviation security. Although we passed legislation that made baggage and passenger screening a federal responsibility—legislation that the administration supported—the President signed an executive order that designated air traffic control as a “commercially competitive” enterprise. This is a strange dichotomy. The President seems to believe that, in the realm of aviation security, airport security and air traffic control are mutually exclusive. I fail to see how these issues are mutually exclusive and am disturbed at the administration's efforts to undermine the protections that were originally included in both the House and Senate bills.

Mr. President, if this bill passes without a prohibition on privatization, the executive order signed by the President will stand and he will be able to contract out the Nation's ATC to the lowest bidder. I cannot imagine a worse policy for our Nation. This work should

only be performed by well trained and experienced Federal workers. These men and women perform a valuable service to their country and their jobs should not be shipped out to a private entity. I urge my colleagues to oppose this bill. •

Mrs. MURRAY. Mr. President, I oppose the motion to close debate on the FAA reauthorization bill.

While I strongly support the bill's authorized funding for infrastructure and operations for our Nation's aviation system, I am troubled that this bill still gives the Administration too much leeway to privatize our Nation's air traffic control, ATC, system.

We know this administration is eager to privatize government jobs even when it costs more money and does not improve productivity. We also know that air traffic control involves special considerations like safety, cost and flight delays.

That's why both the House and Senate passed amendments to the FAA bill to explicitly limit the administration's ability to privatize FAA-controlled towers. I voted for the Lautenberg Amendment in June, and it passed the Senate 56-41.

You would have thought that the White House would recognize that it was on the wrong side of this bipartisan issue. But instead of accepting this reality, the White House pressured the members of the conference committee to remove the limiting language during the first conference. Regrettably, a majority on the conference committee followed the White House's request.

In its place, the conferees added new language that goes even further in supporting privatization. That new language would allow 69 of current FAA controlled towers to be eligible for privatization. Eleven of those towers are among the 50 busiest in the nation, including Boeing Field in Seattle.

The conferees then presented that proposal, only to realize that it faced strong opposition in both Houses of Congress.

The conferees were forced to take their first report back for further deliberation. Their second conference report, which is before us today, dropped the expanded privatization provision. However, it did not reinstate the initial language that both chambers supported, which would explicitly limit the administration's ability to privatize our air traffic control system.

Given the administration's disregard for congressional intent, I believe that this limiting language is critical.

As ranking Member of the Transportation, Treasury and General Government Appropriations Subcommittee, I have supported some privatization of ATC, but only at low-traffic airports that would otherwise not have a tower.

This is not just a process or philosophical issue but raises questions about benefits, safety and cost. The countries that have privatized their ATC systems—Canada, Australia and

the U.K.—have seen increased flight delays and—in the case of Great Britain—an increase in “near misses” that could result in accidents. In addition, this private control requires more resources than government-run systems.

It is important to note that the Lautenberg amendment would have allowed the government to continue to provide private air traffic control to smaller airports.

Senator ROCKEFELLER has offered a simple 6-month extension of AIR-21, which will allow us to reexamine this issue and put together a package that reflects the will of Congress and the people.

I urge my colleagues to oppose this conference report.

Mrs. BOXER. Mr. President, I discuss why I am voting against cloture on the FAA Reauthorization bill.

This bill includes some very good provisions, including funding for our Nation's airports and two provisions that I was able to include in this bill—certification of flight attendant anti-terrorism training and allowing trained cargo pilots to carry guns in the cockpit.

However, these good provisions do not make up for the threat to the safety of air travel that this bill will cause.

On June 12, 2003, Senator LAUTENBERG's amendment to the FAA bill passed 56 to 41. His amendment, which I supported, would have prevented the Administration from privatizing the U.S. air traffic control system. The House bill had a similar provision.

However, during the conference process the provisions in both bills were ignored. This summer, Republican conference leaders filed a conference report that specifically sanctioned privatization at up to 69 airports, some of which are the busiest in the country in terms of flight operations. For instance, Van Nuys airport in California is the eighth busiest airport in the country in terms of flight operations.

When that clearly did not have the support of the Congress, the conference report was rewritten, and the privatization language was dropped. But, the language prohibiting privatization was not reinserted, and the administration has indicated it intends to go forward.

Privatizing the controllers is a bad idea. The system is not broken, and we should not try to “fix” it. Our air traffic controllers did a valiant job after the terrorist attacks on September 11 by closing air space and by landing all of the planes safely. We should not mess with success.

Safety must be a top priority in air travel. Privatization puts that safety at risk.

Mr. FEINGOLD. Mr. President, today the Federal Aviation Administration reauthorization conference report comes before the full Senate. I plan to vote against cloture on the conference report to accompany H.R. 2115 because it would permit the contracting out of certain air traffic controller positions currently filled by Federal Government employees.

I do not support efforts to contract out air traffic controller positions because these positions are vital to our national security. I regret that the FAA conference report does not include language passed by both the Senate and the House—which I supported—that would have prohibited the administration from contracting out these important positions.

I support the funding for airports and airline industries in our country that this bill contains and it is not my intention to slow down funding for airports or airlines. However, the safety of Americans must outweigh the possibility of airlines and airports being temporarily inconvenienced.

Supporters of this legislation will argue that airport construction projects will be delayed if we do not pass this bill soon. However, how can the lives of Americans be compared to the value of construction projects? Airport projects are certainly important, but the lives of Americans are worth a slight delay in the passage of this bill.

Safety is one of the most important elements of this bill for me and for Wisconsin residents. I have been contacted by a number of constituents from my home State of Wisconsin who stated their opposition to the contracting out of air traffic controller positions. I share their concerns and I am not prepared to vote for cloture on a bill that does not contain adequate safeguards to ensure passenger safety.

The contracting out of air traffic controller positions would be a major mistake with potentially life-threatening consequences. In recent years, other countries have attempted to privatize their air traffic control systems only to encounter major problems, with increases in “near-misses” of airplanes or actual airplane crashes. Furthermore, in attempting to privatize their air traffic control systems, other countries have experienced increased delays and higher costs and fees for passengers. With our economy in its current condition, higher costs and fees are the last thing that consumers want or deserve.

In Canada, where air traffic control privatization was established in 1998, the Canadian Transportation Safety Board found that under-staffing at some towers has been a major concern and may have contributed to near mid-air collisions. According to the London Daily Telegraph in Great Britain, flight delays caused by air traffic control increased by 20 percent since the system there was outsourced. More importantly, the UK Airport Board found that “near miss” plane crash incidents had risen to their highest levels in a decade. We cannot and must not take that risk here in the United States.

Those supporting this bill as it presently stands argue that the legislation needs to be passed immediately and should not be held up because of the privatization debate. The safety of Americans is no minor issue. The bill as it currently stands puts many Amer-

ican lives at risk, as demonstrated by the increased danger of air collisions that we have seen in other countries.

This conference report also fails to address an important issue regarding flight attendants. This issue is an important one following the events of September 11, 2001. Since that tragic event in our Nation’s history, cockpit doors have been reinforced, some pilots have been trained and certified to carry firearms and marshals have been added to some flights. Pilots have also been directed to remain in the cockpit during a hijacking, leaving flight attendants alone in the cabin with only minimal training on how to work with a marshal or respond alone to such an event. The provision that was not included in the legislation before us seeks to protect flight attendants by making it mandatory that the Transportation Security Administration issue minimum training standards for flight attendant self-defense training within one year.

The current legislation states that the Transportation Security Administration “may” issue minimum training standards for flight attendant self-defense training. This is simply not enough to protect the flight attendants or the flying public.

For the above reasons I regret that I cannot vote for cloture.

Mr. LOTT. Mr. President, I reserve the remainder of my time.

Mr. LAUTENBERG. How much time is left on our side, Mr. President?

The PRESIDING OFFICER. Two minutes 32 seconds.

Mr. LAUTENBERG. On the majority side?

The PRESIDING OFFICER. Five minutes on the majority side.

Mr. LAUTENBERG. Mr. President, I have listened, and if I were not experienced I would be shocked at what is being said. Get over Alaska. What do you care about Alaska? I care about my family. I even care about the other guy’s family.

Why was FAA started in the first place?

June 30, 1956: TWA Flight 2 collided with United Flight 17 killing 128 people. The record shows that one probable cause of the accident was insufficiency of the en route traffic control advisory.

They can trivialize it on the other side all they want—smile and smirk. But the fact is that Don Young was the smartest of them all. And why didn’t we hear from the Republican side when the vote was taking place in June? We had 11 Republicans vote with us. I did not hear the cry that: We are not going to be able to fund this. We are going to be able to fund it.

Senator ROCKEFELLER and I proposed a compromise in S. 1618, which was an FAA temporary extension act. Let us get it all out there. But no, the other side persists in getting this thing through by one hook or another.

The fact is that by any sense of one’s decency, don’t throw FAA into the

same pot out of which we dug the baggage screeners. It is ridiculous to have this kind of a debate.

Sure, we can prove Air Force One can land anyplace. We know the President lands it all over in fundraising, for goodness’ sake. We see that airplane going out there. But that is a different situation than the one we are talking about when we have pilots who can occasionally make mistakes even when aided by the guidance of the FAA controllers. They know exactly what to do with the weather, they know what wind sheer looks like, and they know all of the conditions. And I am not the pilot. Senator MCCAIN is the pilot in this room.

The fact is it is safety; that is what I am concerned about. I am not interested in protecting anybody’s turf except the families who fly every day across this country and the people who want to know they are going to get there in a timely and safe fashion. With the scares we suddenly see coming out, and shoulder-fired missiles, and here—oh, no; we don’t have to talk about safety; let us talk about process.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. LOTT. Mr. President, I yield whatever time remains to Senator MCCAIN who will wrap up. Any time he doesn’t use I would like to retain.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague. I will be brief.

The letter says:

Let me be absolutely clear. The administration has no plans to privatize the Nation’s air traffic control system.

I would resist and join in efforts to prevent that.

It is very interesting: Baggage screeners? Could the Senator from New Jersey be talking about TSA talking about baggage screeners? That is an interesting depiction. They are required to be make sure there is security in our airports, I inform my colleague.

We are talking about hundreds of thousands of jobs here. We are talking about safety. We are talking about improved security. We know what needs to be done to improve security at our airports. That is in this bill. These come from the recommendations of the TSA and the Department of Homeland Security. They are vital.

If the Senator from New Jersey is interested in safety, then he will support the passage of this bill because it enhances in a broad variety of ways the safety of the airports in America. It is vital we implement these safety procedures.

If they were not interested, Vice President Gore’s National Performance Review in 1994, recommendation No. 9 for Department of Transportation, recommended converting 99 FAA staff control towers to contract operations. I wonder if the Vice President had that in mind at the time this process began.

The important point is we tried very hard to come to some agreement. I

don't think this has been a good process, but we made offer after offer. We have pressured the administration to come up with other offers. But the reality we were faced with was the threat of a Presidential veto. So we tried to reach accommodation. Obviously, that has not been enough.

But I assure my colleagues that if we don't pass this legislation, we will be back to the status quo, and the status quo—because we are not going to let this authorization die—will be continued privatization of towers in America, a program which has been a successful experiment.

I thank Senator ROCKEFELLER for his hard work on this issue. I appreciate it. Especially, I thank Senator LOTT for the many hours he put in trying to get this very important legislation passed.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes.

Mr. LOTT. I ask unanimous consent that the letter to which Senator MCCAIN referred a moment ago from administrator Marion C. Blakely be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION,

Washington, DC, November 17, 2003.

Hon. JOHN MCCAIN,

Chairman, Committee on Commerce, Science and Transportation, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have received your November 13, 2003, letter regarding the issue of contracting our functions performed by Federal Aviation Administration (FAA) employees. It is unfortunate that the recent debate on FAA's pending reauthorization bill, Vision 100—The Century of Aviation Reauthorization Act has led some to confuse maintaining the status quo of the FAA's Contract Tower Program with privatizing our nation's air traffic control system. Let me be absolutely clear: the Administration has no plans to privatize the nation's air traffic control system.

I welcome and respect the Committee's duty to perform oversight of the FAA. I look forward to participating in the hearings you described, as there are many misconceptions as to the FAA's plans with respect to competitive sourcing that I would like to correct. In the meantime, if the legislation is enacted in its current form, you have my commitment that during the current fiscal year the FAA will not contract out any air traffic separation and control function currently performed by the FAA. Further, during that period, the FAA will not convert any Visual Flight Rule (VFR) tower to a contract tower.

I look forward to working with the Committee on the important challenges facing the Federal Aviation Administration. The Conference Report contains many provisions which will provide us with important tools to enhance aviation safety, security, and capacity. I hope that my assurances to the Committee will allow us to move forward on this important piece of legislation.

Sincerely,

MARION C. BLAKEY,  
Administrator.

Mr. LOTT. Let me read from part of that letter. She acknowledges the letter the bipartisan group sent her last

week, dated November 13, regarding contracting out functions performed by the Federal Aviation Administration employees.

It is unfortunate that the recent debate on FAA's pending reauthorization bill, Vision 100—The Century of Aviation Reauthorization Act has led to some confusing maintaining the status quo of FAA's Contract Tower Program with privatizing our nation's air traffic control system. Let me be absolutely clear: The Administration has no plans to privatize the nation's air traffic control system.

I welcome and respect the Committee's duty to perform oversight of the FAA. I look forward to participating in the hearings you describe, as there are many misconceptions as to the FAA's plans with respect to competitive sourcing that I would like to correct. In the meantime, if the legislation is enacted in its current form, you have my commitment that during the current fiscal year the FAA will not contract out any air traffic separation and control function currently performed by the FAA. Further, during that period, the FAA will not convert any Visual Flight Rule (VFR) tower to a contract tower.

What more can you ask? This is a letter from the Administrator, responding to our letter assuring us of those things we have been asking. They are not going to contract the air traffic control system, and they are not going to convert the visual flight rule tower to a contract tower.

I urge my colleagues, for the safety of the American people, for the importance of jobs in the economy, to vote for cloture. Let's pass this legislation and move it to the President for his signature.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory under the rule. Mr. LOTT. I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act.

Bill Frist, John McCain, Conrad Burns, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, Mike Crapo, Larry E. Craig, Kay Bailey Hutchison, John E. Sununu, George Allen, Saxby Chambliss, Rick Santorum, Norm Coleman, Craig Thomas, Pat Roberts, Trent Lott.

Mr. CORNYN. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2115 shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWN-

BACK), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

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

The yeas and nays resulted—yeas 45, nays 43, as follows:

[Rollcall Vote No. 453 Leg.]

#### YEAS—45

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Nickles
Burns	Fitzgerald	Roberts
Campbell	Grassley	Santorum
Chafee	Hagel	Sessions
Chambliss	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Snowe
Collins	Kyl	Stevens
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Voinovich
DeWine	McConnell	Warner

#### NAYS—43

Akaka	Durbin	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Bingaman	Frist	Nelson (FL)
Bond	Harkin	Pryor
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Byrd	Jeffords	Rockefeller
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Clinton	Kohl	Specter
Conrad	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dorgan	Levin	

#### NOT VOTING—12

Bennett	Dodd	Gregg
Brownback	Edwards	Kerry
Bunning	Graham (FL)	Lieberman
Corzine	Graham (SC)	Sununu

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture failed.

The PRESIDING OFFICER. That motion is entered.

Mr. FRIST. Mr. President, for the information of colleagues, we will have no more rollcall votes tonight. For my colleagues' planning purposes, we will come in tomorrow morning at 9:30 and have two cloture votes beginning at 10:30 tomorrow morning. Tonight, we

will continue with the debate for which we will get unanimous consent in a moment. I encourage our colleagues to participate and to stay for this debate for which we will propound a unanimous consent request at this juncture.

Again, we will have no more rollcall votes tonight. We will have two cloture votes at 10:30 tomorrow morning.

#### MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that there now be a period for morning business for up to 65 minutes, with the time divided as follows:

Senators DORGAN and KYL be recognized first in this order for up to 1 minute each; the next 20 minutes be divided with the Democratic side in control of the first 5 minutes, to be followed by 5 minutes under the control of the Republican side, to be followed by an additional 5 minutes for the Republican side, with the final 5 minutes under Democratic control.

I further ask unanimous consent that the next period of time be divided, as follows:

Each side be permitted to ask up to four questions for up to 1 minute each in an alternating fashion, to be followed by a response of up to 2 minutes to be controlled by the other side of the aisle; to be followed by an additional minute by the first side, with the Republicans to ask the first question.

I further ask unanimous consent that the next 8 minutes be allotted in 2-minute segments alternating with the Democrats first and the Republicans concluding; further, that Senator DORGAN then be recognized to speak for up to 1 minute, to be followed by Senator KYL for the final minute; that upon the yielding of the floor, any debate time remaining during that period of controlled time be yielded back.

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

Mr. KYL. Mr. President, let me announce to my colleagues that this is the second in a series of scheduled debates between the Republican and Democratic sides of the Senate on subjects of importance to the American people to be conducted in actual debate format. Rather than the usual situation where we speak to an empty Chamber or talk across each other, we have actually set up a debate in which two Republicans and two Democrats will tackle a subject of interest today and respond to each other and engage in debate the way it was originally intended by our Founders and by the people who set up the rules of the Senate.

All of the speakers will go through the Chair, but they will be addressing this subject in prepared remarks and then in rebuttal and response to each other. Senator DORGAN and I, who chair our respective policy committees, hope we can thus establish a precedent in

this body that at least once a month we will pick a topic and engage in debates the way it was intended to be. We hope both our colleagues and the American people will be edified by this process, not to mention the other Senators in the body.

The PRESIDING OFFICER. The Senator has used 1 minute. The Senator from North Dakota.

Mr. DORGAN. Mr. President, before we begin, let me say to my colleague from Arizona that I think this is a good idea. We will engage now for the second time today in a debate about a specific topic. We will do it for 1 hour talking about something that is very important to the country. In this circumstance, it is going to be jobs and economic policies that create jobs.

This Senate is considered the greatest deliberative body in the world and, from time to time, people might tune in and wonder whether that description best suits the Senate these days. I think it does, however.

There are some extraordinary men and women who serve in this body, very capable of debating the issues. So Senator KYL and myself, as chairmen of the respective policy committees, have decided to establish this 1-hour debate on important issues. I am going to participate in the debate on our side at this time, and I believe Senator KYL will participate in a future debate.

The PRESIDING OFFICER. The Senator has spoken for 1 minute.

Mr. DORGAN. Mr. President, I look forward to this debate.

The PRESIDING OFFICER. The Democrats now have 5 minutes. The Senator from Iowa is recognized.

#### JOBS AND THE ECONOMY

Mr. HARKIN. Mr. President, again I join Senator DORGAN and my colleagues on the other side in saying how pleased we are to be here this evening to continue this process of having legitimate debates on the Senate floor regarding topics of importance to the American people.

Tonight we will be talking about jobs and the economy. In my 5-minute opening statement, I am prepared to show that Democratic economic policies are superior to Republican economic policies as it benefits the American public.

How are Democratic policies better? Simply because we create more and better jobs.

We create a better standard of living and quality of life for the majority of Americans who are working. We do this through worker and consumer protections, equal opportunity for women and minorities with basic measures such as the Family and Medical Leave Act, all historic steps led by Democrats, with Republicans either trailing or opposing outright.

Now, another example: The last Democratic administration and our economic plan, embodied in the 1993 budget, set us on a course of adding 6.4 million jobs in just 2 years. We eroded

the annual deficits and eventually created the actual largest projected Federal budget surpluses in history. Every Republican in the Congress voted against that budget in 1993, with dire warnings about its effect.

We invested in people and family. We balanced the budget and we set the conditions for the most successful economic recovery and expansion ever in the history of the United States. Our friends on the other side cannot match our record on jobs, and I point to this chart I have. If we look at the average monthly change in jobs, Democratic versus Republican Presidents, jobs gained or lost per month, going clear back to Lyndon Johnson, we can see that under Johnson, Carter, and Clinton, we had tremendous job growth. Under Nixon, Reagan, Ford, and Bush 1, we had job growth but not as much as under Democrats.

If we look to the far right, we will see some devastating things that have happened since this President took office, not a job growth but an actual job loss, my point being that under Democrats we build better jobs and more jobs.

In 3 years, this administration has lost 3 million private sector jobs and their budget and tax policies have contributed to the largest and actual budget deficits in the history of the country.

The last quarter showed some improvement in our economy, and that is good, but it is not nearly enough. This administration will be the first since Herbert Hoover's to preside over a net loss of jobs over a 4-year period. We need to be creating about 150,000 jobs a month just to stay even. We are not doing that today. We are not even treading water in terms of job creation.

If my colleagues think the economy is tough now, look at the economic future the Republicans are creating. This administration turned a projected 10-year, \$5.7 trillion surplus into a \$4 trillion deficit over the coming 10 years. That debt imperils Social Security and Medicare, which might not bother some of my friends on that side who would like to privatize Social Security or Medicare or end it as we know it. That debt hurts our economy, it crowds our private sector investments we need for economic growth. It makes it difficult for us to make the investments in education, health, schools, roads, and our infrastructure.

For the long term, the Federal Government will have to borrow \$400 billion a year, squeezing out private sector investment we need for a growing economy. The law of supply and demand which cannot be repealed means that borrowing will make investment dollars scarce and interest rates higher. Higher interest rates in the future will limit growth and limit jobs.

Now, instead of massive tax cuts that benefit the wealthiest, the answer should have been our approach: Fiscal responsibility, tax cuts targeted to low- and middle-income working families, and good job-creating, direct investments such as building roads and