Senator KENNEDY will let you sue if the gatekeeper says no, and he will have a Government bureaucrat there, with your child, if you ever get in to see the ear, nose and throat specialist. But the point is, if your baby is sick and your baby has a 104-degree fever, you don't care about suing. You want to go to see Dr. Goldberg.

Our plan gets you in the door. Our plan gets your baby medical attention because it empowers you. Hallelujah.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask consent to speak in morning business for 3 minutes.

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

Mr. DORGAN. Mr. President, I will shortly offer an amendment to the FAA bill on the floor. But I could not help but listen to my colleague from Texas. I should not frame it that way, I ''could not help but listen to him.'' I was here and listened to him, and I couldn't help but have a desire, an urgency to respond to some of it. I shall not do that now, but reserve the time later.

I notice he talked about the KENNEDY plan. He is probably talking about the plan that is embraced by hundreds of organizations in this country, by the President, by the American Medical Association, and others who believe that health care ought to be practiced in a doctor's office or in a hospital room, not by some insurance accountant 500 miles away, and who understand the stories we have told on the floor of the Senate about a little boy had cerebral palsy whose HMO says this boy only has a 50 percent chance of being able to walk by age 5, and that is insignificant, and therefore we will not give this young boy the kind of therapy he needs. That decision was not made by a doctor. The doctor of that boy recommended therapy. That decision was made by an accountant, and had everything to do with an HMO's bottom line, not health care. That is the issue.

The issue is, do patients have a set of rights here? Do patients, when sick, and who present themselves to a doctor and hospital, have a right to know all of their medical options? Or do they have a right to know only the cheapest medical option?

Does a patient have a right to be taken to an emergency room when they have just broken their neck? I will give you an example of somebody who broke their neck, went to the emergency room, unconscious, and the HMO said, ''We can't pay for that because you didn't get prior clearance.'' That is health care? That is a decision a doctor would make? I do not think so.

That is why doctors across this country, health care professionals across this country, and increasing numbers of people who have been herded into these shoots called ''managed care,'' 160 million of them are now saying, there needs to be some changes here.

Health care ought to be practiced in the doctor's office, in a hospital room. I understand there is great passion about this issue. I hope this Congress will address this issue. The Senator from Texas proposes a way to address it. ''We have a bill; they have a bill. We have a vote; they have a vote.''

What about regular order? Why does the Senator from Texas propose that we not have regular order? Bring your bill to the floor—we have amendments, they have amendments—vote on the amendments one by one. How do you propose to deal with emergency care? What about the choice of specialists when you need it? What about the ability to know all of your medical options? What about the issue of bringing managed care to the floor of the Senate, a Patients' Bill of Rights—any version—and then having votes, amendment after amendment after amendment?

WENDELL H. FORD NATIONAL AIR TRANSPORTATION SYSTEM IMPROVEMENT ACT OF 1998

The Senate continued with the consideration of the bill.

Mr. DORGAN. Mr. President, I ask to be recognized to offer an amendment to the underlying bill.

The PRESIDING OFFICER. The Senator is recognized.

The pending business is the Moynihan amendment.

Mr. DORGAN. I ask unanimous consent to set aside the current amendment.

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

AMENDMENT NO. 3636

(Purpose: To facilitate air service to underserved communities and encourage airline competition through non-discriminatory interconnection requirements between air carriers)

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. SNOWE and Mr. WELLSTONE, proposes an amendment numbered 3636.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following new section—

SEC. . NON-DISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

''(a) NON-DISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a non-discriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

(b) DEFINITIONS.—In this section:

''(1) ESSENTIAL AIRPORT FACILITY.—The term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 states in which one carrier has more than 50 percent of such airport's total annual enplanements.''

(c) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

''41716. Interline agreements for domestic transportation.''.

Between lines 13 and 14 on page 151, insert the following—

''(d) ADDITIONAL ACTION.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.''

Mr. DORGAN. Mr. President, as I indicated when I spoke previously on this bill, I think Senator MCCAIN and Senator FORD have done a remarkably good job on this piece of legislation, and I appreciate their work so much. And I think many involved in airline issues in this country, such as safety and so many other related issues, feel the same way. This is an important piece of legislation, and we very much appreciate their good work. I think both of them will be on the floor shortly, but I did want to offer the amendment and begin a discussion of it.

Let me first describe why I felt a requirement to offer an amendment of this type. I offered an amendment similar to this in the Commerce Committee and lost by a vote of 11–9. It is interesting to me. I always remember the exact vote when I lose—11–9—and somehow that sticks with me, because I understand why I lost: there are people who view these issues differently.

My concern here is about competition in the airline industry. I know about competition. I come from a town of 300 people. I grew up in that town. I was in a high school class of nine. We had one blacksmith. We had one doctor. We had one barber. We had one of almost everything. Actually, we had a couple of bars. I guess that is probably typical of a lot of small towns. But we had one of most things. I understand that.

The fact is, most of the people who had their exclusive services that they

offered in my hometown always priced their service in a very reasonable way. Go to the barber and the haircut was just very little cost. Same was true with the blacksmith. But then, as I left my small hometown in southwestern North Dakota and started studying economics and lived in some big cities and went off to graduate school and so on, I began to understand that is not always true in our economy. When you have one entity providing a service or a commodity, it is not always true that they will always price that service in the public interest. Sometimes they will price it in their interest.

I began to understand what monopolies were. I studied economics. Actually, I taught economics for a couple years in college. And I have told people I was able to overcome that experience, nonetheless. But I understood about economic concentration, market dominance.

Then I watched what has happened in the airline industry in the last 20 to 30 years. I understood some of the things that I had studied and learned and understood something in the field of economics relates to what we are experiencing in this country in the airline industry.

In 1938, when the Federal Government began to regulate air transportation, there were 16 carriers—16 carriers—who accounted for virtually all of the air traffic in our country. It was a pretty primitive system back then. If you looked at those airplanes now down at the Smithsonian Institution you would say, ''Gee, I'm not sure I would want to ride very far in those airplanes,'' but people did. Sixteen air carriers accounted for the total traffic in our U.S. domestic market.

By 1978, 40 years later, the year that Congress passed something called deregulation of the airlines, those same 16 carriers had reduced to 11. They were merged. A couple went out of business. So you had 11 carriers. Those 11 carriers accounted for 94 percent of all the airline business in the country.

Today, those 11 carriers have been reduced to seven airline carriers because of mergers, a couple bankruptcies—a lot of mergers. Those seven now account for over 80 percent of all the total traffic. American Airlines, Continental Airlines, Delta, Northwest, United and USAir—they account for 95 percent of the total air traffic in the domestic U.S., with their cochair partners.

Since deregulation, 1978, it was estimated that we have had about 120 new airlines appear. And then about 200 different airlines have disappeared, appeared, disappeared, merged, been purchased. But we do not have more competition after deregulation; we actually have less competition.

Between 1979 and 1988, there were 51 airline mergers and acquisitions. Twenty of those were approved by the Department of Transportation after 1985 when it assumed all the jurisdiction over mergers and acquisition requests. In fact, the Department of Transportation approved every airline merger that was sent to it. You do not need a human being to do that. You do not need somebody that breathes and lives and eats breakfast; all you need is a big rubber stamp. If we are going to have a Department of Transportation that will say, ''Gee, no merger is too big. No merger's consequence is too significant for market dominance. We'll just stamp 'approve' with a big, big ink pad and a big stamp,'' we don't need to pay anybody any significant amount to do that kind of Government work. Every airline merger submitted to it was approved.

The 15 independent airlines operating at the beginning of 1986 had been merged into six megacarriers by the end of 1987.

The father of deregulation, Alfred Kahn, testified recently at one of our hearings. He said that he had great disappointment in the industry concentration because he said it perverted the purpose of deregulation. And he pinned most of the blame on mergers and the Department of Transportation's approval of all of these mergers.

What has happened is that these megacarriers—I will probably describe in a moment ''megacarriers''—have created competition-free zones in effect, securing dominant market shares at regional hubs.

Let me describe a couple of these.

Atlanta: Atlanta is a big, old city. If you go down to Atlanta, Atlanta is bustling. It has an economy that is vibrant, a huge city, big airport, a lot of folks coming and going, a lot of traffic. One airline has 82 percent of all traffic in and out of the airport in Atlanta.

Why would that be the case? A city that big, that vibrant, an economy that strong, one airline virtually dominates the hub? Why? Because that is the way the airline companies have sliced up the pie.

Charlotte: One airline, 92 percent in and out of Charlotte.

Cincinnati: One airline, 94 percent.

Dallas-Fort Worth, a big city: One airline, 72 percent.

Denver: One airline, 74 percent,

Detroit: One airline, 82 percent.

Well, I do not need to go through all of them, but you get the picture. This is not exactly the picture of a robust American economy in which there thrives aggressive, interesting competition, one company competing with another for the consumers' business, deciding ''I'll offer a better product. I'll offer a lower price.'' That is what competition is about.

Most businesses understand competition. The airlines have constructed a series of regional hubs which have dominance for major carriers, and then they retreat from the kind of competition you would have expected.

That is my way of describing my criticism of where we find ourselves. I would like to infuse some competition here.

I would like to see if we can find ways to say to the major carriers, ''We need more competition.'' The consumer deserves more competition, the consumer deserves more choices, and the consumer deserves lower prices with respect to airlines.

We have had plenty of studies about this issue. I come from a sparsely populated State, and deregulation has affected us in a much more detrimental way than in other parts of the country. Here are some studies—just a few—that describe deregulation and its impact on small States and rural economies: Airline Competition, Industry Operating and Marketing Practices Limit Market Entry; Trends and Air Fares at Airports in Small- and Medium-sized Communities; Fares and Competition at Small City Airports; Effects of Air Competition and Barriers to Entry. The list goes on and on, study after study.

We don't need to study this. We know what is happening. We know what has happened. Most of us know what should happen. We should do something to help provide competition, certainly in areas that are underserved. For areas that used to have service but don't now have jet service, we ought to find some way to allow that service to exist. I have produced a piece of legislation that I think will do that.

I mentioned that we had an airline shutdown as a result of a labor strike recently. That shutdown was very inconvenient to a lot of people, but it was much more inconvenient to my State. Just prior to deregulation, we had five airline companies flying jets in and out of my State. Now we have one. That one happened to shut down as a result of a labor strike. At 12:01 a.m. on August 30, there were no more jet flights in and out of our State. It was devastating to North Dakota, to the passengers, and to the economy.

That kind of dominance by a carrier I admire. I think the carrier that serves our State is a wonderful carrier. It has some labor problems and other issues, but the fact is, they fly good planes and they have been serving North Dakota for many, many decades. I hope they will continue to serve many decades. I have told their president that one day there will be another carrier and some competition. Although I hope to get them some competition, I want them to stay there because they are a good airline carrier.

But I also want to plug some holes in service that does not now exist, that should exist, and used to exist. For example, a State like North Dakota, for 35 years, had jet service connecting North Dakota to a hub in Denver, CO. After 35 years, that jet service was gone. We no longer have jet service to Denver, CO. The only way a jet service can exist between North Dakota and Denver, CO, is if you have a regional jet service that starts up and can cooperate with and have interline and other agreements with the major carrier that dominates in Denver. We had

a company that started and tried to do that, but, of course, the major carrier in Denver said, ''We want nothing to do with you; we don't want to do interline agreements with you.''

So the only passengers they could haul were the passengers going from North Dakota to Denver. In fact, 70 percent of our people were going beyond Denver. They were flying North Dakota to Denver to Phoenix, to Tulsa, to Tucson, to Los Angeles, to San Francisco. That airline pulled out because they couldn't make it. The large carriers will coshare with each other, they will do all kinds of interline agreements with each other, but they don't want regional jet service to start up and flourish in these regions.

I don't understand that. It seems to me it would benefit them to have regional jet service startups.

However, I proposed something I hope will address this issue in the Commerce Committee that lost 11–9, as I mentioned before. I have modified that substantially now. But even with those modifications, it embodies the principles I am trying to establish: the opportunity for new regional jet service carriers to compete in a regional market by encouraging agreements between new regional jet carriers and large airlines with respect to a number of items—gates, baggage, and other issues.

I will not read the amendment, but let me say that the current Presiding Officer, the Senator from the State of Washington, Senator GORTON, is someone who has spent a great deal of time on airline issues. I will be careful not to mischaracterize any of his views. I hope it is accurate to say that he has been someone who has felt very strongly that he does not want to move in the direction of reregulating air service. While we might disagree on some issues, I very much respect his views, and he has been very strong in asserting his views on a range of these issues.

I have worked with Senator GORTON and others in the last few days to see if we could find agreement on a set of principles in this amendment that will accomplish the purposes and the goals that I want for my region of the country and other regions without abridging the principles that he has with respect to the consistency, deregulation, and other areas. I think we have done that.

The amendment I have sent to the desk, I believe, is an amendment that is approved by Senator GORTON, who is the chairman of the subcommittee on the Commerce Committee that deals with these issues. I want to say to the Senator I very much appreciate his willingness to work with me to address this issue. It is more urgent than it has been in the past, because everyone understands the dilemma that we faced with this shutdown. It could happen again. We have other circumstances out there that could very well result in it happening again. I just want the Congress to send a signal that we are going to provide some workable solutions to allow regional carriers to serve areas not now served, in a way that can give them a viable opportunity to make it. That is the purpose of this amendment.

I think I have described the amendment without spending time on a great deal of detail about the amendment itself. I have worked with Senator MCCAIN, his staff, and Senator FORD. I recognize that doing anything in this area causes some heartburn for some people. There are some who are still not pleased because they would prefer the existing order—leave things as they are. Honestly, we can't leave things as they are. We must make some thoughtful changes here. That is what I propose to do with my amendment.

Since the chairman of the subcommittee and Senator FORD were not here, let me again say I thank them very much for their cooperation. I am pleased we were able to work out this amendment. I hope very much they will be able to help me prevail in conference with the House on this very important amendment.

I yield the floor.

Mr. FORD. Mr. President, let me say to my friend from North Dakota, no one has worked any harder or had a deeper interest in trying to accommodate his constituency. He has been typical Henry Clay in this operation; he has been willing to compromise. As Henry Clay said, compromise is negotiated hurt. So he has given up something that hurt, and others have, too.

I am very pleased we have gotten to this point. If I have any ability to help the Senator in conference, I promise him I certainly will.

The PRESIDING OFFICER (Mr. MCCAIN). The Senator from Washington.

Mr. GORTON. Mr. President, I want to express my agreement with this amendment and also express my admiration for both the dedication and the persistence of the Senator from North Dakota. It is a quality in him I greatly admire.

We did start from very, very different points of view on this subject. Mine emphasized to the greatest extent free market principles and a lack of interference, whenever possible, with business organizations; his, a deep concern, and an appropriate concern, for smaller cities in which the kind of competitive advantage that my major city, Seattle, clearly has are simply not present.

From the beginning, I have thought that his goal was an appropriate one, to try to see to it that better service was provided his constituents, was proper public policy, and at the same time feared the constrictions that some elements of his amendment imposed.

I think at this point we have something with which we can live temporarily. It is not all that the Senator from North Dakota wants. I don't know everything about this field myself.

One element of this amendment will try to get us the most objective possible information about the nature of the problem and perhaps the best solutions. We will be back—even if this bill passes in its present form—we will be back with another FAA bill in 2 years, all of us with much more knowledge.

So my tribute to the Senator from North Dakota for his dedication to a cause that is significant. I hope we have done it in a way that will not damage the competition among major airlines or minor airlines, and in a way that will be of some real benefit to his constituents and to many other people in cities across the country in similar areas.

I approve of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 3636) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also want to add my words of appreciation to the Senator from North Dakota. It seems that he and I are destined to spend a lot of time together, especially since we are going to take up the Internet Tax Freedom Act here soon. He and I will be having a vigorous discussion on that.

I want to point out something again that I pointed out three times. Deregulation of the airlines is a wonderful and marvelous thing and has done great things for America. But when we have a situation where the State of the Senator from North Dakota is shut down because of one airline going on strike, obviously, we have to look at this whole environment of competition. Mr. President, it is not right; it is not right when an entire region of the country is dependent upon one airline. That is true, perhaps to a lesser degree, for other regions in the country. The concerns of the Senator from North Dakota, not only affecting his own State but the entire Nation, include the dramatic disparity, according to GAO, of airfares and where there is hub concentration and competition, which is clearly something that is indisputable.

So it seems to me that the Senator from Washington, chairman of the Aviation Subcommittee, and I, and others should devote a lot of attention to this issue, as to whether there is true competition and whether people in rural areas and in smaller markets in America are being deprived as a penalty because of where they live. So I want to tell the Senator from North Dakota again, I want to work with him and with the distinguished Senator from Washington, and other members

of the committee, next year as we address this issue.

I am afraid, Mr. President, that concentration is increasing rather than decreasing. That trend can only be reversed when we get new entrants into the airline business. I am very disappointed at some of the information—much of it anecdotal—that I hear of the major airlines basically preventing that competition from beginning, or even existing, for a long period of time.

I thank the Senator from North Dakota and I look forward to more work with him on this issue and other issues, such as Internet tax freedom.

I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I was thinking as the Senator from Arizona talked about fares, the ultimate objective of more competition is more kinds of service and lower fares. I pointed out on the Commerce Committee—and I thought maybe I should for my colleagues on the floor—the disparity in fares. I pointed out in the Commerce Committee that we may fly from Washington, DC, to Los Angeles to go to Disneyland and see Mickey Mouse, which is all the way across the country. Or, instead, we could choose to fly to Bismarck, ND, which is half the trip, and see the world's largest cow sitting on a hill outside New Salem. If you wanted to see Salem Sue, the largest cow in the world, you would pay twice as much to go half as far than if you were to go see Mickey Mouse.

Mr. MCCAIN. Is that cow alive?

Mr. DORGAN. No; the cow is dead. Because you might be interested in going there, I will tell you that it is a big metal cow that sits on a hill.

My point is that we have a fare structure that says you can go twice as far and pay half as much. Or, if you choose, if you want to go half as far, you get to pay twice as much. People talk about bureaucrats, and the discussion here a while ago was about bureaucrats and the HMO issue. I can't think of many Americans who could sit down and develop a rate structure that says, ''You know, we are going to tell people that if they will just go farther, we will cut their ticket in half, but if they don't go as far, we will double their price,'' and think that marketing strategy has any relevance at all. That has everything to do with competition. Where there isn't competition, they will price at whatever they want to price. Where there is competition, of course, prices must come down because that is the regulator in the competitive system.

Mr. MCCAIN. I thank the Senator. I want to say that I am going to urge all of my colleagues to go view that cow.

Mr. FORD. At twice the price.

Mr. MCCAIN. At twice the price.

Mr. SARBANES. I wonder if that cow gives milk.

Mr. DORGAN. No.

Mr. FORD. You could prime it.

Mr. MCCAIN. Mr. President, I also want to say again to the Senator from North Dakota, I was in Iowa, strangely enough, and I found out—to validate the point of the Senator from North Dakota—that it costs more to fly from Des Moines, IA, to Chicago, IL, than it does from Chicago, IL, to Tokyo. Now, these distortions have to be fixed because we are penalizing Americans who don't have access to major hubs. That is not fair to the American citizens. I know that the Senator from North Dakota will not give up on this particular issue.

Mr. D'AMATO. Mr. President, I would like to raise an important issue with chairman of the Commerce Committee.

I strongly support vigorous competition in the aviation industry. Competition provides greater travel opportunities at lower prices for the people of New York. As the Chairman knows, when discussing increased activities at major airports we must be very mindful of the impact that aircraft noise has on surrounding communities.

A new start-up airline intends to provide new low-fare jet service out of JFK International Airport and is willing to purchase a number of new Stage III aircraft to place into service in New York. These aircraft will be the quietest aircraft manufactured, even quieter than aircraft that are retro-fitted with Stage III technology known as ''hush kits.'' In selecting airlines to receive slot exemptions to enhance competition at JFK, the Secretary should give preference to the quietest aircraft willing to fill such slots, which, as I said, would be newly manufactured Stage III jets.

Mr. MOYNIHAN. I would like to amplify the comments of my colleague from New York on aircraft noise. I strongly endorse increasing travel opportunities and lower air fares for the traveling public, especially in upstate New York where we have some of the highest air fares in the country.

Mr. MCCAIN. I would strongly agree with the Senators from New York. Noise is an important issue and all considerations held equal the Secretary should give preference to the quietest aircraft in the awarding of slot exemptions at JFK.

AMENDMENT NO. 3635

The PRESIDING OFFICER. The pending question is the Moynihan amendment.

Mr. FORD. Mr. President, I understand that this is acceptable on both sides.

Mr. MOYNIHAN. Mr. President, I ask that Senators CHAFEE, KENNEDY, and D'AMATO be added as cosponsors.

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

Mr. MOYNIHAN. Mr. President, I understand that the amendment is acceptable to our distinguished managers. I earlier indicated if that would be the case, I would ask that the yeas and nays be vitiated, and I do that now.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

Mr. MOYNIHAN. I ask that the amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3635) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I thank the managers.

If I might just add a little tale, the manager remarked about Chicago and Hong Kong. In the city of Rochester, a major city in our State, and in the Nation, the flight to Chicago and the flight to Hong Kong cost exactly the same. And the Kodak company, as I understand it, has taken to having their employees who do business in Chicago drive there. There is something deeply mistaken about all of this. Thank heaven, we have you here.

I yield the floor.

Mr. MCCAIN. I thank the Senator from New York. I thank him for his abiding concern about Rochester, Ithaca, a number of small- and medium-sized markets in his State that, frankly, have great difficulty getting to New York City, at great expense. I believe his amendment will be helpful in that direction.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am concerned about the provisions in sections 606 and 607 of this legislation which would increase the number of flights and grant exemptions to the 1,250-mile nonstop perimeter rule at Reagan Washington National Airport. These changes would alter longstanding Federal policies and agreements governing the operations of the three Washington area airports—Reagan National, Dulles, and BWI—and could result in unacceptable noise impacts for tens of thousands of citizens living in the flight path of Reagan National along the Potomac.

I recognize that the chairman and other Members are concerned about potential barriers to entry of new carriers at Reagan Washington National. While recognizing this, I think we must seek a careful balance between the benefits of increased competition and legitimate concerns of our citizens about aircraft noise. Anyone who lives in the flight path of Reagan Washington National Airport knows what a serious problem aircraft noise poses for human health, and even for performing daily activities.

Despite having restrictive nighttime noise rules, aircraft noise remains a major concern for many of our citizens who live in Reagan Washington National's flight path.

The Citizens for the Abatement of Aircraft Noise, a coalition of citizens

and civic associations which has been working for more than a decade to reduce aircraft noise in the Washington metropolitan area, has analyzed data from a recent Metropolitan Washington Airports Authority report which shows that approximately 1/3 of the 32 noise-monitoring stations in the region have a day-night average sound level which is higher than the 65-decibel level that has been established by the EPA and the American National Standards Institute as a threshold above which residential living is considered compatible.

Addressing existing noise impacts and the impacts of noise from further flights into Reagan Washington National Airport must, therefore, be a top priority.

Senators MIKULSKI, ROBB, and WARNER have joined with me in framing some amendments to the pending bill to address the potential impact that would arise from increasing the slots and changing the perimeter at National Airport. These amendments seek to provide a noise safety net to mitigate adverse environmental noise consequences of exemptions to the existing operating rules.

Ms. MIKULSKI, Mr. President, today, I rise to offer three amendments with my colleague, Senator SARBANES to address the needs of my constituents in regard to this legislation.

I also note that I am a proud co-sponsor of two amendments offered by Senator WARNER of Virginia that further addresses our citizens concerns.

Mr. President, I want to make it very clear that I am opposed to any changes in the perimeter rule and slot rules at Ronald Reagan National Airport.

I believe the present balance among the three regional airports serves the public well. The present slot rules governing Reagan National work well and should be maintained.

However, I recognize that this legislation has overwhelming support in the Senate and will pass with a majority vote.

As a result, Senator SARBANES and I have crafted two amendments to minimize any potential impact from changes to the slot and perimeter rules.

The first amendment creates a mandatory set-aside of federal funds to mitigate any noise impacts that arise from changes to the perimeter and slot rules.

The amendment requires the Metropolitan Washington Airports Authority to set aside no less than ten percent of their federal funds to prevent noise pollution in areas affected by noise from National and Dulles International Airports.

For my constituents, this means that they will be eligible for financial assistance to soundproof their homes and schools. This amendment will ensure that residents in Montgomery and Prince Georges Counties will finally get some relief from noise that impacts their communities.

Currently, the Metropolitan Washington Airports Authority does not utilize federal funds for noise mitigation activities.

This amendment will ensure that federal funds are used for noise mitigation. For the first time, federal funds will be dedicated to reducing noise in the Washington area.

The second amendment requires that any new slots be distributed evenly during the day to avoid the possibility of stacking new flights early in the morning or in the evening.

I want to make sure that my constituents do not suffer additional noise during the time they are at home in the morning or the evening. When families are together, they should not have to endure additional aircraft noise when enjoying their breakfast or dinner.

The third amendment gives the Washington Airports Authority and the State of Maryland priority consideration for airport improvement grants.

Because Maryland is affected by changes to the perimeter and slot rules, this area should receive priority consideration.

In addition, to the amendments sponsored by myself and Senator SARBANES, we have worked closely with Senator WARNER on two other amendments to further address the needs of our constituents.

One amendment requires a formal environmental review and public hearing before new slot exemptions are granted at Reagan National.

I believe this is fair and necessary to ensure that our constituents have a role in this process and have their voices heard.

A second amendment seeks to guarantee that the pending nominations to the Metropolitan Washington Airports Authority Board are confirmed in an expeditious manner.

A fully functioning board is necessary to proceed with the modernization of Reagan National and Dulles and I support the pending nominations.

Mr. President, I could not stop this bill, so Senator SARBANES and I decided to change it.

For the first time, we succeeded in providing funds for noise mitigation for our constituents.

While I would have preferred no changes to the slot and perimeter rules, I believe our amendments will go a long way to reducing noise impact for our constituents.

AMENDMENT NO. 3637

(Purpose: To ensure that certain funds made available to the Metropolitan Washington Airports Authority are used for noise compatibility planning and programs)

Mr. SARBANES. Mr. President, I send the first of these amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland (Mr. SARBANES), for himself, Ms. MIKULSKI, Mr. ROBB, and Mr. WARNER, proposes an amendment numbered 3637.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 607(c), as included in the manager's amendment, and insert the following:

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 1999 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

Mr. SARBANES. Mr. President, this amendment is intended to assure that the Metropolitan Washington Airports Authority provide funding for noise abatement activities such as soundproofing of homes and schools, buying homes that are affected by noise, and improving land use planning. It provides that the Metropolitan Washington Airports Authority will expend at least 10 percent of its FAA grant money on noise compatibility planning and programming.

Let me note in submitting this amendment that MWAA is currently spending hundreds of millions of dollars of capital improvement at Reagan National, yet it is not spending a dime on the noise abatement activities. By comparison, Chicago O'Hare is currently spending $205 million of its passenger facility charges on noise abatement and mitigation activities.

In my own State of Maryland, BWI is spending a substantial portion of its AIP fund for noise mitigation efforts. In fact, since enactment of the AIP program, the Maryland Aviation Administration has received 46 AIP

grants for BWI, totaling approximately $119 million. Seventeen of these grants, totaling more than $52 million, were for noise mitigation. In other words, 44 percent of all AIP grants for BWI have been for noise mitigation activities.

In direct contrast, since 1991, when Reagan Washington National Airport first became eligible for AIP funds, the Metropolitan Washington Airports Authority has received $106 million in AIP discretionary entitlement funds and none of those funds for financing of the airport's passenger facilities charges has been used for noise abatement activity.

I understand that the rationale that MWAA has given for not spending any funds for noise abatement was that it cannot have a 150 noise compatibility plan approved by FAA. Now that it has such an approved plan, it is time that AIP funds be spent to provide some relief for noise-impacted communities.

This amendment seeks to have the Federal Government address the need for greater balance between airport expansion and associated environmental impact. I know this is an issue that the chairman has taken an interest in. I know he raised it in confirmation hearings with respect to members of the MWAA. We very much welcome his interest. We have tried to work with the committee as we deal with these amendments.

It is my understanding that the amendment is acceptable to the committee. I urge its adoption.

Mr. MCCAIN. Mr. President, I want to congratulate both Senators from Maryland who have been steadfast and tenacious in their efforts to further not only improve BWI but also Washington National and Dulles Airports.

Senator SARBANES I think has a very important amendment. Noise abatement is a very serious issue. I am glad to say that at least partially due to his efforts, BWI has made significant improvements. Unfortunately, that has not been the case with Reagan National Airport, which is interesting. That is one of the things that Senator SARBANES is trying to do with this amendment, and is doing at all airports in the Washington metropolitan area under the Metropolitan Washington Airports Authority's work on noise compatibility, planning, and programs.

I think this is an excellent amendment. I thank the Senator for the amendment. We obviously support it. But I know the Senator has other amendments.

I want to additionally state that I understand how difficult some of these issues are for the Senators from Maryland, especially Senator SARBANES who has been involved with these airports for many, many years. I think Senator SARBANES was involved with these airports when Dulles was viewed as a white elephant, and now certainly it is a very busy airport.

I was pleased—and I know Senator SARBANES was—the other day to see an article in the Washington Post that says business at BWI is at an all-time high. It has turned into an outstanding facility.

I thank Senator SARBANES not only for his amendment but the following amendments in his efforts to help the Metropolitan Airports Authority, the districts, and his willingness to work with us on what is a very contentious issue amongst his constituents. I thank him for it.

Mr. President, I believe there is no more debate on this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Hearing none, the amendment is agreed to.

The amendment (No. 3637) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3638

(Purpose: To mitigate adverse environmental noise consequences of exemptions of additional air carrier slots added to Ronald Reagan Washington National Airport as a result of exemption)

Mr. SARBANES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland (Mr. SARBANES), for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB, proposes an amendment numbered 3638.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In section 607(a)(2), as included the manager's amendment, in section 41716(c) of title 49, United States Code, as added by that section, strike paragraph (2) and insert the following:

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.''.

Mr. SARBANES. Mr. President, this amendment seeks to mitigate the environmental noise consequences of new air carrier slots added to the Ronald Reagan National Airport inventory. By precluding air carrier slot clustering during the operational day, it would prohibit more than two new operations per hour during the period between 7 a.m. and 9:59 p.m.

It seeks to achieve a more appropriate balance between the commercial interests of air carriers, the demands of the traveling and shipping public, and the concerns of residents living under the flight pattern. We understand the addition of the slots. This is primarily an effort to spread them out over the course of the operational day and to prevent heavy clustering, particularly in the early morning or late evening hours. I understand the committee feels that this is compatible with the objectives we are trying to seek.

I urge adoption of the amendment.

Mr. MCCAIN. Mr. President, I support the amendment. I think it is important. I know both sides support it. I believe there is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3638) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3639

(Purpose: To mitigate adverse environmental noise consequences of exemptions for Ronald Reagan Washington National Airport flight operations by making available financial assistance for noise compatibility planning and programs)

Mr. SARBANES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Mr. SARBANES), for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB, proposes an amendment numbered 3639.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike the first subsection designated as subsection (d) in section 607, as included in the manager's amendment, and insert the following:

(d) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

''(3) Subject to section 47114(c), to promote the timely development of the forecast of cumulative noise exposure and to ensure a coordinated approach to noise monitoring and mitigation in the region of Washington, D.C., and Baltimore, Maryland, the Secretary shall give priority to any grant application made by the Metropolitan Washington Airports Authority or the State of Maryland for financial assistance from funds made available for noise compatibility planning and programs.''.

Mr. SARBANES. Mr. President, this amendment seeks to mitigate adverse consequences of the exemptions from the rules governing Ronald Reagan Washington National Airport flight operations by requiring the Secretary of Transportation to make both the Metropolitan Washington Airports Authority and the State of Maryland eligible for priority consideration when the FAA distributes noise discretionary funds under the Airport Improvement Program. With increases in the amount of flights at Reagan National—and these other two airports are interrelated, of course, Dulles and BWI—the problem of noise pollution is likely to grow, and it is vital that we make prudent investments in noise abatement activities.

Therefore, we seek this priority status in order to be able to ensure that we are doing everything we can to soundproof homes and schools and take other steps to address the noise pollution problem for those living in the flight paths.

I understand, Mr. President, that the committee has, as it were, a refinement of this amendment, and this is certainly acceptable to us.

I, again, express my appreciation to the chairman and the ranking member for working with us in such a positive and constructive way on this issue.

AMENDMENT NO. 3640 TO AMENDMENT NO. 3639

Mr. MCCAIN. Mr. President, I have a second-degree amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. COATS). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3640 to amendment No. 3639.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7, strike through line 10 and insert the following:

''(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title VI of the Wendell H. Ford National Air Transportation System Improvement Act of 1998 and amendments made by that title.''.

Mr. MCCAIN. Mr. President, in consultation with Senator SARBANES, this amendment basically ensures that neighborhoods around high-density airports are eligible for priority consideration for noise mitigation funding. It is an acceptable amendment.

I believe the Senator from Maryland accepts it and believes it is of some improvement to his amendment. I know of no further debate on the amendment.

Mr. SARBANES. Mr. President, as I understand it, this reference to the high-density airport encompasses what I was specifically directing toward, but it gives it a more general statement, and it is certainly acceptable to us in light of that.

The PRESIDING OFFICER. Is there further discussion on the amendment?

If there is no objection, the amendment is agreed to.

The amendment (No. 3640) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, again I thank Senator MCCAIN and ranking member FORD for their cooperation throughout this effort. As the chairman has recognized, this is a very sensitive problem, and we recognize what the chairman and others are seeking to accomplish here in terms of increased competition in further flights, but we felt it necessary, obviously, to press the case for the noise mitigation problem. I must say both the chairman and ranking member have recognized that problem. We think what we have proposed here will help solve that.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, I thank the Senator from Maryland. I believe we have taken significant measures to mitigate any additional noise problems that may result upon passage of this legislation.

AMENDMENT NO. 3641

(Purpose: To require the Administrator of the Federal Aviation Administration to conduct a demonstration project to require aircraft to maintain a minimum altitude over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, and for other purposes)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator BINGAMAN and Senator DOMENICI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 3641.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title V, insert the following:

SEC. 5 . TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

(a) IN GENERAL.—Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

Mr. MCCAIN. Mr. President, this amendment by Senator BINGAMAN and Senator DOMENICI has been discussed on both sides. It is acceptable.

Mr. FORD. Mr. President, we are agreeable with this amendment on this side.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3641) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3642

(Purpose: To require the Secretary of Transportation to promulgate regulations to improve notification to consumers of air transportation from an air carrier of the corporate identity of the transporting air carrier)

Mr. MCCAIN. Mr. President, on behalf of Senator REED, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. MCCAIN. Senator REED of Rhode Island.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. REED, proposes an amendment numbered 3642.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title V, insert the following:

SEC. 5. . AIRLINE MARKETING DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at 60 Fed. Reg. 3359.

Mr. REED. Mr. President, I rise today to speak on an issue which affects many of our nation's air travelers. I am pleased to offer an amendment to the Senate's Federal Aviation Administration (FAA) reauthorization bill which requires the Secretary of Transportation to implement regulations that ensure airline passengers are more aware of the true corporate identity of the airline on which they are flying.

I am pleased that the managers of the FAA reauthorization legislation have agreed to accept my amendment to their bill. I believe this amendment will go a long way to ensure that airline passengers are better informed.

As you know, Mr. President, following the deregulation of the airline industry in the late 1970's, major airlines began to enter into cooperative agreements with smaller airlines to offer air transportation service to smaller, underserved areas. Common in such agreements is the practice of ''code-sharing,'' where the smaller independent airlines use the name and identification code of the larger airline. For example, for a two-leg ''code-shared'' flight, where a large air carrier operates one leg and a smaller commuter

carrier operates the other, air service for both flight segments is listed under the same identification code. As such, consumers purchasing ''code-shared'' air service are frequently unaware of the actual corporate identity of the smaller commuter airline on which they are flying.

Mr. President, this lack of disclosure can cause consumers to be completely unaware of the true identity of their transporting air carrier, and therefore, lessen a consumer's ability to make the most informed transportation decision.

Mr. President, under current law, U.S. air carrier ticket agents are required to verbally indicate to consumers the corporate identity of the airline they are flying on, when a ticket is purchased.

However, in practice, Mr. President, these verbal disclosure rules are difficult to enforce. Furthermore, the rules are not applied universally because they do not cover travel agents, who sell a majority of the airline tickets issued in the United States.

As a result, Mr. President, consumers are often surprised to discover that a segment of their flight, although listed under the ''code'' or name of a large air carrier, could be serviced by a different airline.

Now, Mr. President, I do not mean to suggest that smaller commuter airlines are not safe, nor, do I mean to diminish the valuable service ''code-sharing'' arrangements bring to many smaller and rural areas in the nation. Rather, I want to help ensure that consumers are aware of the true identity of the airline they are scheduled to fly on.

For these reasons, I offered this amendment to require stronger airline ticketing disclosure rules, an issue the Department of Transportation recently considered.

Indeed, in 1994, the Department of Transportation proposed a rule to require that at the time of sale, travel or airline ticket agents provide consumers with written notification of each airline's corporate name that participate in ''code-sharing'' agreements. The Department asserted such steps would help to ensure that a consumer had a complete understanding of the transportation they were purchasing. However, to date, the Department has not issued a final rule on this matter.

Mr. President, the Department of Transportation was on the right track, and we need to encourage the DOT to follow through and implement better ticketing disclosure regulations to help better inform consumers. My amendment is simple and straightforward, and does just that. It requires the DOT to implement regulations 90 days after enactment of this bill requiring improved written and oral notification of the corporate name of ''code-sharing'' airlines. Such requirements would inform consumers of the identity of the air transportation carrier actually providing service, and thereby allow consumers to make more informed purchasing decisions. My amendment also grants the DOT flexibility in this process, and allows the Department to choose the method it deems most appropriate to achieve this goal.

Mr. President, the basis for my amendment is also straightforward: Just four years ago, a constituent of mine, Ms. Pauline Josefson, of Warwick, Rhode Island died in a commuter airline crash. The airline she flew on was listed under a major carrier's identification code.

Ms. Josefson had every reason to assume that the air service she had purchased was that of the major carrier, as her airline tickets indicated. However, she was flying on a plane piloted by an individual who had been repeatedly criticized by other airlines for poor performance and flying ability. If the little known airline's actual corporate name had been disclosed when the ticket was purchased, Ms. Josefson would have had an opportunity to make a fully informed travel decision.

I share the concerns of the Josefson family and others that airline consumers deserve greater disclosure. That is why I have offered this amendment today, Mr. President, which is supported by the Aviation Consumer Action Project, a non-profit organization dedicated to the safety and protection of the flying public, and I ask unanimous consent that a letter of support for this amendment be printed in the RECORD.

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

AVIATION CONSUMER
ACTION PROJECT,
September 24, 1998.

Re: legislation requiring airline disclosure of code sharing arrangements to consumers.

Senator JACK REED,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: In response to your request for our comments concerning your draft legislation on code sharing disclosure, the Aviation Consumer Action Project supports such a measure as necessary to curb a common deceptive marketing practice by airlines which is not permitted in other industries.

General Motors cannot sell you a Cadillac then deliver a Toyota or even a Mercedes without first informing the customer. Only the airlines are except from state and local consumer protection and deceptive advertising laws and even most federal labeling laws. The U.S. DOT is the exclusive agency protecting aviation consumers since the enactment of the Airline Deregulation Act of 1978.

Airlines, using techniques known as ''code sharing'' and ''wet leases'', are now allowed to sell consumers tickets on other airlines as though they were their own. So for example, someone booking a flight on a U.S. carrier to Warsaw, Poland may actually be flying from New York to London on an American carrier and then to Poland on Lod Airlines (the Polish national carrier) at both a higher cost than if tickets were separately booked and with what most would regard as a lower level of safety and service. Similarly, many airlines use prop commuter airplanes that they do not own or operate with a U.S. carrier brand name like ''Delta Connection''. After the recent crash of Swissair 111 which killed all on board, it was disclosed that 53 of the passengers were actually Delta passengers, flying under an apparently undisclosed code sharing agreement. Such marketing arrangements are inherently deceptive and should be prohibited, unless disclosed in advance to the airline passenger. The consumer can then decide whether to purchase the ticket or call another airline.

The consumer notice should be in the form as proposed by the U.S. DOT in 1995 which was never acted upon, i.e. ''IMPORTANT NOTICE: Service between XYZ City and ABC City will be operated by Jane Doe Airlines'', and in advertising airlines should be required to identify the carrier(s) that will actually provide the service by corporate name.

Should you wish further comments, please do not hesitate to contact the undersigned. ACAP is a non-profit corporation dedicated to assisting and speaking out for the flying public on issues of safety, cost and convenience. The organization was founded by Ralph Nader in 1971. It receives no funding from the aviation industry or the Federal Government.

Sincerely,

PAUL HUDSON,
Executive Director.

Mr. REED, I thank the managers of this legislation for accepting this amendment, and for joining me in support of improved airline ticketing disclosure rules to better protect our nation's air travelers.

Mr. MCCAIN. Again, this amendment has been discussed on both sides. We think it is a good amendment by the Senator from Rhode Island. By the way, we are appreciative of his involvement in this issue. I do not believe there is any further debate on the amendment.

Mr. FORD. Mr. President, we have no objections on this side and look forward to passing the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3642) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. Mr. President, I would like to talk just a few minutes on this bill, particularly with respect to rural air service and some of the problems that we face in areas with small towns and small populations.

First, let me say that I certainly support what the Senator from Arizona and the Senator from Kentucky are doing here. I think this is a valuable bill, and I think we should move forward with it quickly.

I do want to emphasize, however, the difficulty that we have in rural America with regard to air transportation. I

must confess that it is not a new problem. As we deregulate various industries—and I happen to be for deregulation and letting competition work—we find ourselves with some problems in rural areas, whether it be telephones, or the deregulation of electricity, or air transportation. The obvious effect of deregulation is that capital and facilities, in this case airplanes, move to where there is the greatest usage, where there is the highest density.

So we have made some arrangements, for instance, in telephones with universal service to ensure that despite the fact that the real advantages of competition go to where the heavy volume is, we do continue to provide service to rural areas.

My State of Wyoming is struggling to maintain dependable, scheduled, available air service to airline hubs like Denver and Salt Lake City. We are in the process of seeking to strengthen our economy there, to recruit businesses to move to Wyoming. Travel and tourism is one of the three major economic activities in Wyoming, and so transportation is a vital component of our future. But we are having some problems.

Last year, for example, Mesa Airlines, which operated as United Express, pulled service from five towns in Wyoming that they had been servicing in years past. I worked with Senator ENZI, my associate here, Congresswoman CUBIN, the Governor, and others, and we finally were able to keep service to these towns. In fact, we had to go all the way to the chairman of the board of United Airlines to make this happen. Unfortunately, in most of these towns, we were only able to keep Essential Air Service (EAS). This provides just a bare minimum of service and I am glad we have it, but it does not provide the kind of service that is necessary if you are really going to have economic growth and development. In addition, in other Wyoming communities we continue to face cutbacks in the number of seats that are available every day as well as the loss of jet service to some of these towns.

Those of you who are familiar with Jackson Hole, WY, know that it is a travel town. That is where a great number of people come and go. It is just devastating to the local economy when there are not enough seats to service demand.

As I mentioned, Mr. President, I am in favor of deregulation. I think that makes for healthy competition. But I am concerned that sometimes we have to try another approach. As I mentioned, the investment in dollars nationally—and I understand it—go to where the yield is. They go to where the traffic is. That, I do think we have to understand. But we met with Delta Airlines which serves Salt Lake City and Jackson Hole, WY, and talked a little bit about the fact that there is a need for service, and frankly if we do not have service in some of these places I think you are going to see a continued interest in going back to some re-regulation in air service. I hope it doesn't come to that.

Part of the problem, as I understand it, is the so-called code-share agreements between the big carriers and the commuters airlines. If you go to Denver from Casper, WY, a part of that fare subsidizes the cost of the trip that takes you from Denver to Washington. That does not seem right. That isn't the way it ought to be.

These airlines are basically moving toward a monopolistic situation in the large ''hub'' airports, served almost entirely by one carrier, which makes serving rural America very difficult because then those airlines can dictate everything—fares, schedules, you name it.

This is kind of unusual for me. I am a marketplace guy. I am one who wants competition. But I also firmly believe that when it comes to these vital services, there has to be a way to ensure that all of America will be served.

I have been involved, because of my chairmanship of the Subcommittee on East Asia, in the rights to go overseas—''beyond rights.'' I have to think, myself, why are we spending a lot of time and energy talking about expanding air service to somewhere in China when you can't go to Cody, WY?

So that's the situation we find ourselves in today. I don't have all the answers. But I do know that we will continue to work at this issue in Congress. The Essential Air Service (EAS) program works well. But we need to do more. Dependable and safe air travel is an economic lifeline for our State, as it is whether you are in Boston or whether you are in San Francisco. We depend on tourism and small businesses to drive our economy in Wyoming.

We need to come up with a long-term solution to this problem. Hopefully, it will be done in the marketplace so it will be something that is not forced upon the airlines. However, it is hard for me, as I said earlier, to get excited about working on ''beyond rights,'' when we can't get to our own towns.

I am glad we are considering this bill. We need to get this done so our airports can be financed. I am very involved in what is going on with Wyoming's air service. I happen to be a private pilot and have flown quite often into these airports. I know how important it is for us to have that air service.

I commend the Senators who have worked on this bill. I suggest we always need to keep in mind those rural areas to which we find it difficult to provide service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3643

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. SARBANES, Ms. MIKULSKI and Mr. ROBB, proposes an amendment numbered 3643.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 47 of the manager's amendment, between lines 6 and 7, insert the following:

SEC. 607. (g) PROHIBITION.—Notwithstanding any other provisions of this Act, including the amendments made by this Act, unless all of the members of the Board of the Metropolitan Washington Airports Authority established under section 49106 of title 49, United States Code, have been appointed to the Board under subsection (c) of that section and this is no vacancy on the Board, the Secretary may not grant exemptions provided under section 41716 of title 49, United States Code.

Mr. WARNER. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Virginia is adopted.

The amendment (No. 3643) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. I ask unanimous consent to proceed for 10 minutes as in morning business.

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

CATASTROPHE IN KOSOVO

Mr. MCCONNELL. Mr. President, I rise today to draw attention to the foreign policy catastrophe unraveling in Kosovo. Yogi Berra immortalized the phrase ''this is deja vu all over again''—and that is just what we are seeing in Kosovo—Bosnia, all over again. Today, just like yesterday and the day before, men, women, and children in Kosovo are living and dying witnesses to a rerun of the tragic experience suffered by Bosnia for three brutal years. Hundreds of thousands of civilians are, once again, the victims of our false promises and a deeply flawed policy.

Take a minute to review the events as they have unfolded on the ground to establish exactly what I think Belgrade has learned about United States policy. What Milosevic and his mafia have figured out is—we bluster and threaten,