would not be here were it not for the fact that he persisted and that he was willing to hold to the commitment he made to us last year.

Both nominees have waited an extraordinarily long time for this consideration. Marsha Berzon, a nominee for the Ninth Circuit, has been kept waiting for a vote more than 2 years. Judge Paez, another Ninth Circuit nominee, has waited for more than 4 years. That is longer than any Federal court nominee in history—a statistic that should shame the Senate.

Judge Paez and Ms. Berzon are both exceptional legal minds and remarkable people. But before I discuss their qualifications, I wish to say something about the context in which these nominations are being considered. Since the 106th Congress convened in January, the President has nominated 79 men and women to fill the vacancies on the Federal bench. Without exception, these nominees have come to us with the highest marks from their peers. Yet of the 79 nominees, only 34—fewer than half—were confirmed last year, and only 4 have been confirmed so far this year.

Looking at those figures, one might assume we have no pressing need for Federal judges. In fact, just the opposite is true. Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as ''judicial emergencies.'' The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country.

This cannot continue. As Chief Justice Rehnquist warns, ''Judicial vacancies cannot remain at such high levels indefinitely without eroding the quality of justice.''

The Ninth Circuit court, to which both Judge Paez and Marsha Berzon have been nominated, is also one of our Nation's busiest courts. It has also been hardest hit by our neglect. More than 20 percent of the Ninth Circuit bench is vacant. This is a court that serves almost 20 percent of the United States.

Procter Hug, the Chief Justice of the Ninth Circuit Court of Appeals, was appointed in 1980 when the court had 23 active judges and a caseload of 3,000 appeals. Today, with six vacancies, the Ninth Circuit has 22 active judges to hear more than 9,000 appeals. They have one fewer judge today than they had 20 years ago—with 300 percent more cases.

So I thank my colleagues for finally coming together to address this urgent question. The failure to fill Federal court vacancies harms plaintiffs and defendants alike. Both are forced to wait too long for justice. The failure to fill Federal court vacancies also imposes heavy and unjustifiable burdens on judicial nominees and their families. Can any of us imagine what it would be like to be kept waiting more than 4 years, as Judge Paez has? What would it be like to be unable to make personal or professional plans for 4 years? I have met Judge Paez, and I have to tell you, I am amazed by the dignity and grace he has exhibited during this ordeal. Perhaps that is not surprising, though, from a man lawyers routinely rate as exceptional in both his judicial temperament and his command of legal doctrine.

For a long time, those who opposed Marsha Berzon and Judge Paez would not say why. Now some of them say the problem isn't with the nominees, the problem is with the court itself. The Ninth Circuit, they claim, is a ''rogue'' circuit. They claim the Ninth Circuit's reversal rate by the Supreme Court is too high. They argue, therefore, that we should refuse to confirm anymore Ninth Circuit judges. We should just let the vacancies go unfilled.

The fact is, the Eleventh, Seventh, and Fifth Circuits all have a higher rate of reversal than the Ninth Circuit. The Ninth Circuit is completely within the mainstream of prevailing judicial opinion.

Even if that were not the case, this Senate has no right to attempt to punish the citizens who rely on the Ninth Circuit in this manner. Nor do we have the right to try to influence the independence of the court in this way. That is unconstitutional.

Our responsibility under the Constitution is to vote on whether to confirm judges. It is not our responsibility, and it is not our right, to try to influence or intimidate judges after they are confirmed.

As we consider the nominations of Judge Richard Paez and Marsha Berzon, let us remember that these votes are not a referendum on the Ninth Circuit, or on President Clinton.

And they should not be about partisan politics. These votes are about two people. Two distinguished and inspiring Americans who are eminently qualified for the bench.

Richard Paez has been a judge for 18 years. He is the first Mexican-American ever to serve as a federal district judge in Los Angeles. He was confirmed by this body in 1994; that vote was unanimous.

Judge Paez has received the highest rating the American Bar Association gives for federal judicial nominees. He has worked for the public good throughout his career, working first as a legal aid lawyer, and then, for 13 years, as a Los Angeles Municipal Court judge.

In his current position, as a United States District Judge, Judge Paez has presided over a wide variety of complex civil and criminal cases. For his work, he has garnered bipartisan support, and the support of such law enforcement organizations as the Los Angeles County Police Chiefs' Association and the National Association of Police Organizations.

Time and again, on the bench he has demonstrated the qualities that are essential to a strong and respected judicial system—wisdom, courage, and compassion. We need judges like Richard Paez on the bench. Without public servants like him, this system fails.

Marsha Berzon is equally qualified.

She is a nationally known and extremely well regarded appellate litigator with a highly respected San Francisco law firm. She is also a former clerk for the United States Supreme Court. She has served as a visiting professor at both Cornell Law School and Indiana University Law School. She is a widely recognized expert in the field of employment law—an area of the law that requires the increasing attention of our federal judiciary.

She has argued four cases in the Supreme Court of the United States, and has filed dozens of Supreme Court briefs on complex issues. To quote my friend Senator HATCH, her ''competence as a lawyer is beyond question.''

Ms. Berzon also has the support of the National Association of Police Organizations, business and Republican leaders. She enjoys a reputation among colleagues and opposing counsel for being a fair-minded, well prepared, and principled advocate. I have also met Ms. Berzon, and I find her temperament and seriousness well-suited for the job she has been nominated to fill.

The federal judiciary has been described as ''the thin black line between order and chaos.'' I have faith that Richard Paez and Marsha Berzon, once confirmed, will live up to that challenge.

Mr. President, I yield the floor.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

I thank my friend from New Jersey for yielding time.

Mr. President, for the third time in as many years, I am forced to express in this Chamber my strong opposition to a congressional proposal to meddle with Virginia airports. I will have to oppose the FAA conference report, most of which I strongly support and I believe is long overdue because it breaks a promise to the people of Northern Virginia—a promise that Congress would permit us to manage and develop our own airports.

While I will again vote against this bill to protest congressional interference in the operation of Virginia's airports, I would like to make clear that I fully support FAA reauthorization and release of the airport improvement funds. In fact, as someone who has long believed that we need to substantially increase our investments in transportation, I commend the conferees for crafting a conference report which does just that.

Under this bill, annual funding for many airports in Virginia will nearly

double, providing for critical safety improvement and expanding airport capacity. Nonetheless, I will have to vote against the bill.

By forcing additional flights on Ronald Reagan Washington National Airport, this measure breaks the 1986 agreement among the Congress with Virginia and the local governments to leave National Airport alone and to get Congress out of the business of managing airports.

Even at the time of the 1986 agreement, however, there was skepticism that Congress would keep its word. In the words of then-Secretary of Transportation William Coleman, ''National has always been a political football.'' Perhaps he should have said: National will always be a political football. I hope that is not the case. But I am dubious.

While I worked hard to oppose the addition of slots and expanding the perimeter at National, I am not going to engage in any purely dilatory tactics because I believe these issues should be decided on the merits. In this case, I believe the merits are simple and compelling.

Increasing slots at National creates delays for the majority of the people who use the airport and undermines the quality of life in communities that are near the airport.

People have a right to expect their Government to keep its end of the bargain. By injecting the Federal Government into the running of the airports once again, this bill scuttles an agreement we made with this region more than a decade ago and breaks a promise to the people who live here.

Mr. President, I yield any time remaining on the side of those in opposition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I recognize the leader's time has been utilized and not counted against the time prior to going into morning business.

I ask unanimous consent that when the managers are finished and morning business is taken up, I be allowed 10 minutes to introduce a bill.

I yield for my friend from South Carolina who is seeking recognition.

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

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman, Senator ROCKEFELLER.

Mr. President, I rise today to discuss the Federal Aviation Administration (FAA) reauthorization bill, appropriately known as the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or FAIR–21. This legislation rightfully deserves this title for two basic reasons: it represents a fair compromise and it honors the former Chairman and later ranking Member of the Aviation Subcommittee, Senator Ford.

Before commenting on the substantive provisions of the conference agreement, I think it is essential to commend those who are responsible for achieving the compromise we have before us. However, because of the number of individuals who have been instrumental in forging this agreement, engaging in this exercise is sort of like the Academy Awards shows, where the winner gets to list all of the people he needs to thank in 30 seconds. I believe FEDEX had a commercial a few years ago with a fast talking person, and I shall try to do the same here. First, I wish to commend Chairman SHUSTER, Congressman OBERSTAR, and Senators ROCKEFELLER and GORTON for their unflagging leadership in reaching this agreement. I should note that Senator LOTT left no stones unturned to move this bill. As well, Senators STEVENS and DOMENICI played pivotal roles. All of the Conferees and their staff did their part to accomplish an enormous task. After much hard work and many long hours we have a good, strong bill, which addresses many of the most critical aviation issues facing us today —the proper funding for the modernization of our air traffic control system and airport infrastructure.

Before explaining a little about the bill, I want to address one of the concerns that has been raised. I know that Senator LAUTENBERG has concerns about this bill and what it means for other programs. The reality is that for years we have underfunded the FAA, despite the fact that the Airport and Airways Trust Fund has acummulated an uncommitted surplus, approximating $7–8 billion per year. The surplus is currently at $13 billion. Essentially, we have used those monies to meet other priorities. Today, we end that game, by making sure that all monies in the Trust Fund go to aviation. We also recognize that if more is needed, and it will be, then the general fund will be called upon. Bear in mind that the FAA and its ATC system provide services not only to the commerical and general aviation fleets, but also to our military. The FAA also plays a key role in our national security by keeping our skies and airports safe.

We know that when the Trust Fund was created in 1970, it was intended solely for modernization/capital improvements. The preamble to the statute was as valid then as it is today—it reads ''That the Nation's airport and airways system is inadequate to meet the current and projected growth in aviation. That substantial expansion and improvement of airport and airway system is required to meet the demands of interstate commerce, the postal service and national defense''. In fact, to clarify that it was intended for capital only, Congress in 1971 deleted the phrase ''administrative expenses'' as an eligible item for spending. During the first years of the Trust Fund, with one year's exception, no Trust Fund monies were spent on the general operations of the FAA. In 1977, Congress allowed left over funds to be used for salaries and expenses of the FAA. Today, we are returning to the original intent—monies first for capital needs, with any remaing funds to be used for other expenses. If a general fund is needed, then it will be subject to appropriations.

We have little choice. There is no question we must invest in our future. We must expand the system to keep it safe, and to make it more efficient. There is one other point—modernization of the ATC system involves not only Federal spending, but also a committment from the private sector. As we move to a satellite-based system, the air carriers and general aviation must make an investment in new technology in the cockpit. Finally, it is my understanding that the Transportation function 400 numbers in the Budget resolution will reflect the agreement reached here today, which should quell some of the concerns of my colleague from New Jersey.

Aviation is an integral part of the overall U.S. transportation infrastructure and plays a critical role in our national economy. Each day our air transportation system moves millions of people and billions of dollars of cargo. The U.S. commercial aviation industry recorded its fifth consecutive year of traffic growth, while the general aviation industry enjoyed a banner year in shipments and aircraft activity at FAA air traffic facilities. Continued economic expansion in the U.S. and around the globe will continue to fuel the exponential growth in domestic and international enplanements.

The FAA is forecasting that by 2009, enplanements are expected to grow to more than 1 billion by 2009, compared to 650 million last year. During this time, total International passenger traffic between the United States and the rest of the world is projected to increase 82.6 percent. International passenger traffic carried on U.S. Flag carriers is forecast to increase 94.2 percent. These percentages represent a dramatic increase in the actual number of people using the air system.

More people, more planes, more delays. Those are the headlines we know are coming. We know today that the growth in air travel has placed a strain on the aviation system and our own nerves as we travel. In 1998, 25% of flights by major air carriers were delayed. MITRE, the FAA's federally-funded research and development organization, estimates that just to maintain delays at current levels in 2015, a 60% increase in airport capacity will be needed. As many of you may know, and perhaps have experienced first hand, delays reached an all-time high this summer. These delays are inordinately costly to both the carriers and the traveling public; in fact, according to the Air Transport Association, delays cost the airlines and travelers more than $4 billion per year.

We cannot ignore the numbers. These statistics underscore the necessity of

properly funding our investment—we must modernize our Air Traffic Control system and expand our airport infrastructure. Gridlock in the skies is a certainty unless the Air Traffic Control (ATC) system is modernized. A system-wide delay increase of just a few minutes per flight will bring commercial operations to a halt according to the National Civil Aviation Review Commission and American Airlines. According to a study by the White House Commission on Aviation Security and Safety, dated January 1997, the modernization of the ATC system should be expedited to completion by 2005 instead of 2015.

FAIR 21 would authorize the Facilities and Equipment (ATC equipment) at $2.660 billion, $2.914 billion, and $2.981 billion for FY01–FY03, respectively. This represents a 30% increase in funding. For the first time ever, FAIR 21 links the spending in the Facilities and Equipment account and the Airport Improvement Program to the monies in the Airport and Airway Trust Fund.

As our skies and runways become more crowded than ever, it is crucial that we redouble our commitment to safety. Passengers deserve the most up to date in safety measures. FAIR–21 ensures that there will be money available to pay for new runway incursion devices as well as windshear detection equipment. The bill requires all large cargo airplanes install collision avoidance equipment. In an effort to support the ongoing improvements at civil and cargo airports, FAIR–21 increases funding for the improvement of training for security screeners. We also have provided whistleblower protection to aid in our safety efforts and protect workers willing to expose safety problems.

FAIR 21 will allow airports to increase their passenger facility charges from $3 to $4.50. This is a local choice and it is money which an airport can use to encourage new entry, particularly at the 15 ''fortress hubs'' where one carrier controls more than 50% of the traffic. Logically, the air fares for the communities dependant upon these hubs are much higher than usual. If given a choice, perhaps we would have broken up the hubs. Instead, we have used the power of the dollar and a half to require these hubs to develop ways to allow new carriers to expand as to create the possibility of lower fares to places like Charleston, SC. The extra buck and a half will go to expand gates and terminal areas, as well as runways at these facilities.

Since 1996, we have struggled with how to develop meaningful reform of the FAA. We have met the majority of the suggestions with the exception of the recommendations to establish a fee system and to set up a private corporation to run air traffic control. Instead, we chose a more prudent path. The 1996 reauthorization bill established a 15 member Management Advisory Committee (MAC) appointed by the President with Senate confirmation but no one has yet to be named. Jane Garvey, the FAA Administrator, is doing a wonderful job, but she could have used some help. To avoid this in the future, FAIR–21 establishes a subcommittee of the MAC to oversee air traffic operations with the appointments being made by the Secretary of Transportation rather than the President. The bill also establishes a position for a chief operating officer. Combined with other measures, and the funding levels, we are on the right track.

I wish to say a word about our controllers, technicians and the FAA workforce. I know that the bill as crafted does not guarantee a general fund contribution to pay for the operations of the FAA. However, it should be acknowledged that these folks work hard every day to keep us flying safely. The safety of the nation is in their hands. They deserve our support.

Finally but not least, in terms of Death on the High Seas, after much input from the families of the victims of many of the air tragedies, we have clarified the law and extending the borders of the United States to 12 miles off shore for the purpose of determining claims. In the case of an accident occurring 12 miles or within the shore, the Death on the High Seas Act shall not apply. Rather, it is state, federal, and any other applicable laws which shall apply. Death on the High Seas shall apply only outside of 12 miles off shore.

Mr. President, let me commend Mr. SHUSTER, the chairman on the House side. He stuck to his guns.

It has been a long struggle in the open and in the dark. I only mention that because my colleague from New Jersey said this thing was all agreed to in the dark. We have been in the dark and in the open and everything else for 2 years on this struggle.

Mr. SHUSTER stuck to his guns, whereby those air travelers who obtain the taxes that go into the airport and airways improvement fund are finally being assured that money is going to be spent on the airport and airways improvement.

Right to the point: We owe some $12 billion right this minute for airport taxes that have been used for everything from Kosovo to food stamps, and everything else but airport and airways improvement.

In fact, we now have some $l.95 billion to be expended this fiscal year, 2000. We were unable to get those moneys, although they were in the fund, supposedly—IOU slips, if you will. We are now able to spend those moneys.

I have the same misgivings the ranking member of our subcommittee has about the shortfalls in the operating budget. That is due to so-called ''unrealistic spending caps.'' That is a budget problem—not this bill's problem. There is a problem with unrealistic spending caps.

There is state-of-the-art equipment sitting in warehouses, and that is because we have been playing a sordid game of trying to call a ''deficit'' a ''surplus'' and grabbing any and all moneys we can to play a game to make it look as if we are reducing spending. The fact is the President submits his budget, and we in the Congress—this Republican Congress, if you please—have been increasing spending over and above what President Clinton has asked for during the past 7 or 8 years. We are not willing to pay for it. So we rob Social Security. We rob the retirement of the military and civil service. We robbed the highway funds, up until we finally got that straightened out under the leadership of Mr. SHUSTER. Now we can hold onto our airport moneys and do the job that is required of us.

I want to say to everyone involved that this has been a good 2-year struggle to get us where we are. It is a good bill. It was developed in a bipartisan way, with every consideration given to not only the budget problems and concern the Senator from New Jersey has, but also my concerns about overall air traffic.

We are moving finally in the right direction. I hope everybody will vote in support of the conference report.

I yield back the remainder of our time.

AMTRAK AND COAST GUARD FUNDING

Mr. KERRY. Mr. President, first, I thank the distinguished majority leader for joining me in this important discussion today. I thank him for the vital role he played in shepherding the FAA authorization bill through the conference committee. We have been without an authorization bill for too long and this bill is a critical step in ensuring our skies are absolutely safe and less congested. But, as the majority leader well knows, aviation is not the only important piece of transportation funding this bill may affect. I believe that my friend agrees with me that, as important as aviation is to our country, funding for Amtrak and the Coast Guard are also crucial, and in enacting this bill, we by no means intend to give short-shrift to those parts of our transportation budget. Isn't that right, Mr. Majority Leader?

Mr. LOTT. Mr. President, let me thank my friend from Massachusetts for raising this issue here today. And he is absolutely right. Aviation is not the only transportation account that may be impacted by this bill. And it was certainly not the intention of the conferees to in any way restrict funding for the Coast Guard or Amtrak.

The conference report includes a provision which reserves Airport and Airways Trust Fund revenue and interest spending for aviation programs with a majority point of order. Additionally, under another majority point of order, the provision requires the authorized levels of funding for the Airport Improvement Program and the Facilities and Equipment accounts to be fully funded before the Operations and Research and Development accounts are funded. While this latter provision is

not a statutory guarantee that general revenue will be spend on aviation programs, it is a significant incentive. The bill thus provides a reasonable assurance that aviation appropriations will reach authorized levels, which would result in an approximately $2 billion increase in aviation funding for fiscal year 2001.

My good friend from Massachusetts is concerned that spending for other transportation priorities may be decreased as the appropriations process increases aviation spending. Let me assure my good friend that I expect adequate funding for the Coast Guard and Amtrak, as these transportation priorities are important to the Nation and to my home State of Mississippi. I intend to work with the chairmen of the Budget and Appropriations Committees to ensure the Transportation Appropriations account is increased so that these aviation program increases do not come at the expense of other transportation programs.

Mr. KERRY. Mr. President, I am gratified to hear the majority leader's commitment to Amtrak and the Coast Guard, as well as his intention to work with the chairmen of the Budget and Appropriations Committees to fully fund transportation needs at least for FY 2001, and hopefully beyond. Both Amtrak and the Coast Guard are absolutely necessary to my constituents. I would like to say a few words about the importance of Amtrak nationwide. This country needs to include passenger rail as part of its transportation mix in the 21st century. We have done a good job ensuring our highways and, now, our skyways get the funding and attention they deserve. Amtrak also needs some of that attention. Passenger rail is critical if we are going to reduce congestion on our highways and in the air, as well protect our environment. People need a choice in transportation, and high speed rail especially can be a viable option for many, not only in the Northeast, but along corridors throughout the country.

On January 31, 2000, Amtrak launched Acela Regional—the first electric train in history to serve Boston and New England. This is literally a dream come true for all of us up and down the East Coast who care about jobs, the economy and traffic congestion and the environment. And in its first few weeks of operation, I understand that bookings on Acela Regional are up as much as 45 percent over the Northeast Direct line. This will be extremely helpful in my home state of Massachusetts, as well as in New York, New Jersey, Connecticut, Pennsylvania and Maryland, where airport and highway congestion often reach frustrating levels. The more miles that are traveled on Amtrak, the fewer trips taken on crowded highways and skyways.

Amtrak is not the only transportation priority we need to fully fund. The Coast Guard performs a number of critical missions for our country including search and rescue, environmental protection, marine safety, fisheries enforcement, and drug trafficking. I can't imagine any of our colleagues arguing that any one of these missions is unimportant or should be less than fully funded. Perhaps my good friend will expand upon the importance the Coast Guard's many missions.

Mr. LOTT. Mr. President, I would like to take a few minutes to address the needs of the Coast Guard. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save $2.5 million in property. The Coast Guard's duties have also grown, as there are more commercial and recreational vessels in our waters today than ever before in our Nation's history. International trade has expanded greatly, and with it maritime traffic has increased in our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our country's coastlines as the means to introduce illegal drugs into our Nation. The Coast Guard currently faces a number of readiness shortfalls as it struggles to keep up with the increasing demands placed upon this service. In order to continue this valuable service to our Nation, the Congress must provide the funding to address personnel shortages and to repair or replace the Coast Guard's aging ships and aircraft. I am confident that with an increase in the transportation budget, we can protect the Coast Guard and Amtrak, as well as make the improvements air travel so desperately needs.

Mr. KERRY. Mr. President, I thank the majority leader for his helpful reassurances. We have the same goal, and that is to have a safe, efficient transportation system that includes rail, aviation, and maritime sectors. His intention and willingness to make this happen gives me every confidence that it will happen.

Mr. CONRAD. Mr. President, I am pleased the Senate today will take action on the H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. The Federal Aviation Administration has been without a long-term authorization for some time, and airports in my state need to be able to move forward with construction projects soon.

There are three components of this bill that I strongly support: the increase in funding for the Airport Improvement Program (AIP), the budgetary treatment of the Aviation Trust Fund, and a provision to stabilize essential air service (EAS) in Dickinson, North Dakota.

I am very pleased that this conference report provides for $3.2 billion in 2001 for the AIP program, and that funding will increase by $100 million each year. As air travel continues to increase, it is important that we invest in our nation's airports to ensure the safety of the traveling public and expand capacity for the future. This program provides federal grants for airport development and planning and these dollars are usually spent on capital projects supporting operations such as runways, taxiways, and noise abatement. This substantial increase in funding will go a long way in maintaining the quality of air travel in North Dakota and across the country.

In addition to the increase in funding, the fact that we now have long-term FAA reauthorization instead of the extensions our airports have been operating under is an important improvement. Short-term extensions had the effect of leaving airport managers and community leaders unable to develop and move forward with airport improvement projects. Because in North Dakota the construction season is short, the ability to plan and schedule projects is critical to maintaining our state's aviation system.

Secondly, this conference report contains a very important provision for Dickinson, North Dakota. This legislation will allow this small community to retain essential air service without paying a local share. Currently, Dickinson and Fergus Falls, Minnesota are the only communities with this requirement. EAS is vital to smaller communities, and the difficulties encountered by many of the communities in retaining EAS warrant increased federal attention. The report also requires the Department of Transportation to report on retaining essential air service, focusing that report on North Dakota. This is an extremely serious problem in my state and I believe it needs greater attention. The residents and businesses of small communities, especially in a rural state like North Dakota, depend heavily on this service and we need to find a way to consistently serve these small markets.

Finally, I am pleased that conferees agreed to budgetary guarantees of increased funding for aviation. The conference report provides for a budget point of order against any legislation that fails to spend all of the Airport and Airways Trust Fund (AATF) receipts and interest, and does not appropriate the total authorized levels for capital programs (AIP and Facilities and Equipment). After allocations to the capital programs occur, remaining AATF funds can be used for general operations, and can be augmented by monies from the general fund.

I urge my colleagues to join me in supporting this important and long overdue legislation.

Mr. DURBIN. Mr. President, I rise in support of the FAA/AIP reauthorization conference report, H.R. 1000. I commend Senators HOLLINGS, ROCKEFELLER, GORTON, and MCCAIN for their efforts.

This measure would lift the High Density Rule at several of the nation's slot controlled airports, including Chicago's O'Hare International Airport. I support this conference report with the understanding that it puts safety above

all other issues and keeps a watchful eye on noise levels and the environment around these airports.

This conference report also significantly increases funding for the Essential Air Service and Airport Improvement Programs, ensuring that Illinois airports will be able to complete important infrastructure projects as well as gain greater access to valuable markets.

I fully understand that some opponents are attempting to portray a High Density Rule lift as a safety issue. I agree that safety must be paramount. The FAA is and always should be the final arbiter of safety. And no matter what Congress does today, the FAA will continue to have the authority to regulate air traffic and ensure that passenger and community safety is never at risk.

Last fall, I received a letter from FAA Administrator Garvey, which says in part, ''Let me assure you that if the High Density Rule is lifted at Chicago or any other airport, safety will not be compromised.'' The Administrator goes on to say, ''The FAA does not control aircraft at high density airports any differently than at any other commercial airport. We will continue to operate these airports using all appropriate procedures and traffic management initiatives for the safe and expeditious handling of air traffic. Safety is always our highest priority.''

The National Air Traffic Controllers Association and specifically the Chicago controllers support lifting the slot restrictions at O'Hare. NATCA believes that O'Hare can handle the increased traffic without sacrificing safety. I have had the opportunity to meet with the controllers about this issue, and I believe they bring a unique and important perspective to this debate.

It also should be noted that a 1995 U.S. Department of Transportation (U.S. DoT) study concluded that lifting the High Density Rule would have no impact on safety because air traffic control is implemented independently of the slot restrictions.

Thus, the claim that this would undermine safety is unfounded.

I also take exception to the notion that Congress is getting ahead of the FAA. Federal transportation officials have believed for some time that the High Density Rule is outdated and inefficient and not an appropriate safety mechanism. And our colleagues in the House voted overwhelmingly last year to lift the slot restrictions, with the support of the FAA.

Government reports tell us that O'Hare has been surpassed by Atlanta's Hartsfield International Airport as the world's busiest. This raises the obvious question: if airports such as Atlanta and Dallas/Ft. Worth and LAX in Los Angeles can operate safely and efficiently without slot restrictions, why can't O'Hare?

The High Density Rule or slot restrictions were developed in the late 1960s, to mitigate delays. However, with the dawn of state-of-the-art air traffic control systems and improved flow control procedures, the High Density Rule has outlived its usefulness.

Instead, the High Density Rule artificially limits access to O'Hare and adversely affects smaller communities. In Illinois, three downstate communities have totally lost service to O'Hare—Decatur, Mt. Vernon, and Quincy—and one city, Moline, has already experienced a carrier leaving solely because of the slot restrictions.

In my hometown of Springfield, Capital Airport has been battling for years to attract and retain adequate service to O'Hare. Today, there are more Chicago passengers than seats available.

When we look for this reason, all runways lead to the same place—the High Density Rule. Carriers choose to move commuter operations to Denver and Dallas/Ft. Worth rather than deal with the slot restrictions at O'Hare. Communities pay the price through loss of access to key domestic and international markets, lost jobs, diminished tourism and stagnant economic development.

Bob O'Brien, the Capital Airport Executive Director of Aviation, writes, ''The inability for the Springfield community to adequately access Chicago and connect to other locations in the country or the world impacts the movements of goods and services and, consequently, is a major detriment to the retention and attraction of businesses. The growth and viability of the local Springfield community is at risk. * * * While our country's aviation system is among the best in the world, it is compromised by an artificial 'choke point' known as the High Density Rule.''

I would like to ask, why is it that we should maintain a ''choke point'' at a city which serves as the transportation hub of the nation?

Mark Hanna, Director of Aeronautics at Quincy's Baldwin Field, writes, ''* * * Quincy community leaders believe the removal of the current slot restrictions at O'Hare is critical in continuing this vital service between Quincy and Chicago. * * * With your support of providing relief from the current 'High Density Slot Rule' at O'Hare, we can maintain this valuable air service and increase its marketability.''

Julie Moore, President of the Metro Decatur Chamber of Commerce says, ''That (O'Hare) air service is essential to the economic growth and stability of our area.''

I understand the frustration that passengers have with flight delays. As a frequent flier, going into or through O'Hare twice a week, I experience it often. Will lifting the High Density Rule make the planes run on time? Of course not. But will it worsen the delays? Not necessarily. The FAA is working with its air traffic controllers and the airlines to implement both short-term and long-term ways to reduce delays in the air and on the ground including giving more authority to a nationwide Command Center to control flow of aircraft and attempting to decrease so-called ground-stops.

With regard to noise, according to data reported in U.S. DOT's 1995 study, the increase in population around O'Hare affected by noise due to lifting the High Density Rule is very small when compared to the decrease due to the transition to an all Stage 3 fleet in 2005. After lifting the High Density Rule and shifting to a Stage 3 fleet, the population exposed to very high noise levels should decrease. Elimination of the High Density Rule also will provide scheduling flexibility to the airlines and in so doing could reduce nighttime noise.

At my insistence, the conferees have included several provisions that will study the noise levels at the nation's slot-controlled airports and compare them to pre-Stage 3 aircraft noise levels around these same airports. The Secretary of Transportation also is required to study noise, the environment, access to underserved communities, and competition at O'Hare. Finally, O'Hare and the other slot-controlled airports will receive priority consideration for Airport Improvement Program funds for noise abatement and mitigation. This will help improve and expand soundproofing efforts and noise monitoring.

Both U.S. DoT's 1995 study and a 1999 GAO review found that the High Density Rule creates a barrier to entry and restricts airline competition at the affected airports. According to GAO, fares are higher at airports under the High Density Rule than at unrestricted airports. U.S. DoT concluded that lifting the high density rule would result in lower air fares and more competition.

According to a report conducted by Booz-Allen-Hamilton, allowing O'Hare to fully develop would contribute $26 billion annually to the greater Chicago economy. On the other hand, artificial constraints on O'Hare's capacity could cost the region $7 billion to $8 billion.

Mr. President, the High Density Rule has had more than 30 years to produce results. However, the only tangible results I've experienced are artificial barriers to access and competition. I don't take lightly the arguments raised by opponents of this amendment. In the past, I have supported compromise language that would offer some limited expansion of O'Hare. However, opponents have rejected even the introduction of one new flight at O'Hare. I believe this position is unrealistic and unfair to downstate Illinois communities that desperately need Chicago O'Hare access. I will hold the FAA, the airlines and these airports accountable to improve safety, reduce delays and achieve greater access for underserved markets while striving to protect the environment and limit airport noise.

Mr. DOMENICI. Mr. President, after months of negotiation, we have reached an agreement and completed work on the Aviation Investment and

Reform Act of the 21st Century, the so-called AIR–21.

AIR–21 is a fair bill. It reflects a compromise on many of my concerns about the budgetary treatment of our federal aviation accounts. It also reflects some of my commitments, one of which is to increase investment in aviation programs. I am a strong proponent of safety, and this bill increases funding for safety programs, including funds for air traffic control modernization. In addition, and very important to the State of New Mexico, many of the programs within this bill focus on and support small or rural airports. Finally, each of these accomplishments are realized while budgetary discipline is maintained.

In 2001, a total of $12.7 billion is authorized for aviation programs. This represents an increase in budget resources of $2.7 billion over the 2000 levels. This is extremely generous to the FAA. In fact, it exceeds the President's 2001 budget request by $1.5 billion. Over the 2001 through 2003 time period, AIR–21 authorizes nearly $40 billion.

Before I outline the budgetary compromise, I would like to thank all the Conferees—I especially appreciate the work and support of Senators STEVENS, GORTON, GRASSLEY, BURNS, LOTT, and LAUTENBERG on the budget issue. In addition, I applaud the leadership that Senators GORTON, LOTT, and MCCAIN took on this bill.

One very controversial issue had to do with the correct budgetary treatment for aviation programs. The provision contained in AIR–21 represents a compromise—both sides had to come together for this deal.

Similar to my offer last fall, AIR–21 guarantees annual funding from the Airports and Airways Trust Fund equal to the annual receipts deposited into the Trust Fund plus annual interest credited to the Trust Fund, as estimated in the President's budget.

Based on the President's FY 2001 Budget, $10.5 billion will be appropriated from the Trust Fund in 2001 for aviation programs. In addition, just over $2 billion can be provided from the general fund. For 2001 through 2003, over $33 billion will be guaranteed from the trust fund for aviation programs, and more than $6 billion can be provided from the general fund.

Further, the budget compromise provides that the Trust Funds will first be available to fund the capital accounts—for airport improvement program grants and facilities and equipment, including the air traffic control modernization programs.

Before I finish, let me take one minute to discuss what this bill doesn't do. AIR–21 does not take the Airports and Airways Trust Fund off-budget. AIR–21 does not establish a budgetary firewall between aviation programs and other discretionary programs. Further, it does not lock-down general fund tax receipts for aviation programs. Finally, it does not put FAA funding on autopilot and take the appropriators out of the process.

In this way, budgetary discipline has prevailed and appropriate congressional oversight is maintained. This is good policy for the American people and the flying public.

Finally, this bill contains essentially, for the next three years, a Federal mechanism not entirely unlike what has existed since the Airports and Airways Trust Fund was established in 1972. As we move into this new century, it may be that this funding mechanism and the current government structure is not the most efficient or effective way to provide the investments and services for this industry in the future.

For example, at least 16 countries have taken action to respond to the pressures that increasing enplanements have had on a system already stressed by capacity constraints and increases in and longer delays. These countries realized something that was made clear in a joint Budget and Appropriations Committee hearing on February 3—that increased funding levels will not solve the problems of our outdated air traffic control system and will not make the system efficient.

Recognizing this, these countries have fundamentally reformed and restructured their air traffic control systems. Most recently Canada created a very successful nonprofit, private air traffic control corporation sustained by user fees. Reformed air traffic control systems have been successful. They have brought about major gains in efficiency, reduced flight delays, reductions in operating costs, and progress in technological upgrades. All of this was accomplished without compromising safety.

Although this bill provides funding for FAA for three years, it is my hope that we will continue to seriously evaluate and consider whether services can more effectively and efficiently be delivered with a change in structure—so that the gains realized in Canada, Britain, Germany, Switzerland, and New Zealand can be achieved in the United States.

Mr. LEAHY. Mr. President, I am pleased that the Aircraft Safety Act of 2000 is included in the conference report on the Air Transportation Improvement Act, H.R. 1000. This measure is needed to safeguard United States aircraft, workers and passengers from fraudulent, defective, and counterfeit aircraft parts.

The problem of fraudulent, defective, and counterfeit aircraft parts has grown dramatically in recent years. Since 1993, the Federal Aviation Administration received 1,778 reports of suspected unapproved parts, initiated 298 enforcement actions and issued 143 safety notices regarding suspect parts. Moreover, the aircraft industry has estimated that as much as $2 billion in unapproved parts may be sitting on the shelves of parts distributors, airlines, and repair stations, according to Congressional testimony.

Because a passenger airplane may contain as many as 6 million parts, the growth of bogus aircraft parts raises serious public safety concerns. And even small bogus parts could cause a horrific airplane tragedy. For instance, on September 8, 1989, a charter flight carrying 55 people from Norway to Germany plunged 22,000 feet into the North Sea after a tail section fastened with bogus bolts tore loose.

Given this potential threat to public safety, comprehensive laws are needed to focus directly on the dangers posed by nonconforming, defective, and counterfeit aircraft parts. But no such laws are on the books right now. In fact, prosecutors today are forced to use a variety of general criminal statutes to bring offenders to justice, including prosecution for mail fraud, wire fraud, false statements and conspiracy. These general criminal statutes may work well in some situations in the aircraft industry, but often times they do not.

The Aircraft Safety Act would provide for a single Federal law designed to crack down on the $45 billion fraudulent, defective, and counterfeit aircraft parts industry. The Act focuses on stopping bogus aircraft parts in three ways.

First, our bipartisan bill adds a new section to our criminal laws defining fraud involving aircraft parts in interstate or foreign commerce for the first time. The section sets out three new offenses to outlaw the fraudulent exportation, importation, sale, trade, installation, or introduction of nonconforming, defective, or counterfeit aircraft parts. Under the new statute, it is a crime to falsify or conceal any material fact, to make any fraudulent representation, or to use any materially false documents or electronic communication concerning any aircraft part.

Second, our bipartisan bill strengthens the criminal penalties against aircraft parts pirates. A basic 15-year maximum penalty of imprisonment and $500,000 maximum fine is set for all offenses created by the new section. This is needed to end the light sentences that some aircraft parts counterfeiters have received under the general criminal statutes. In fact, in a 1994 case, a parts broker pleaded guilty to trafficking in counterfeit aircraft parts, but only received a seven-month sentence. Fraud involving aircraft parts is a serious crime that deserves a serious penalty.

Third, our bipartisan bill provides courts with new tools to prevent repeat offenders from re-entering the aircraft parts business and to stop the flow of nonconforming, defective and counterfeit parts in the marketplace. Under the new statute, courts may order unscrupulous individuals to divest themselves of interests in businesses used to perpetuate aircraft fraud. Courts may also, under the new statute, direct the disposal of stockpiles and inventories of defective and counterfeit aircraft parts to prevent their subsequent resale or entry into commerce.

Indeed, Attorney General Reno, Defense Secretary Cohen, Transportation

Secretary Slater, and NASA Administrator Goldin wrote to Senator HATCH and me urging that Congress adopt this legislation. They wrote: ''If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public.'' As a result, the Aircraft Safety Act is endorsed by the Department of Justice, the Federal Bureau of Investigation, the Department of Defense, the Department of Transportation and the National Aeronautics and Space Administration. I ask unanimous consent, that this letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. LEAHY. The distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and I offered the Aircraft Safety Act as an amendment during Senate consideration of S. 82, the Senate companion bill. Our amendment was accepted by unanimous consent. I thank Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senator HOLLINGS, the Ranking Member of the Committee, for holding the Senate position in conference with minor revisions and, thus, including our amendment in the final bill.

I look forward to President Clinton signing the Aircraft Safety Act of 2000 into law as part of the conference report on the Air Transportation Improvement Act, H.R. 1000.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL
Washington, DC

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is proposed legislation, ''The Aircraft Safety Act of 1999.'' This is part of the legislation program of the Department of Justice for the first session of the 106th Congress. This legislation would safeguard United States aircraft, space vehicles, passengers, and crewmembers from the dangers posed by the installation of nonconforming, defective, or counterfeit parts in civil, public, and military aircraft. During the 105th Congress, similar legislation earned strong bi-partisan support, as well as the endorsement of the aviation industry.

The problems associated with fraudulent aircraft and spacecraft parts have been explored and discussed for several years. Unfortunately, the problems have increased while the discussions have continued. Since 1993, federal law enforcement agencies have secured approximately 500 criminal indictments for the manufacture, distribution, or installation or nonconforming parts. During the same period, the Federal Aviation Administration (FAA) received 1,778 reports or suspected unapproved parts, initiated 298 enforcement actions, and issued 143 safety notices regarding suspect parts.

To help combat this problem, an interagency Law Enforcement/FAA working group was established in 1997. Members include the Federal Bureau of Investigation (FBI); the Office of the Inspector General, Department of Transportation; the Defense Criminal Investigative Service; the Office of Special Investigations, Department of the Air Force; the Naval Criminal Investigative Service, Department of the Navy; the Customs Service, Department of the Treasury; the National Aeronautics and Space Administration; and the FAA. The working group quickly identified the need for federal legislation that targeted the problem of suspect aircraft and spacecraft parts in a systemic, organized manner. The enclosed bill is the product of the working group's efforts.

Not only does the bill prescribe tough new penalties for trafficking in suspect parts; it also authorizes the Attorney General, in appropriate cases, to seek civil remedies to stop offenders from re-entering the business and to direct the destruction of stockpiles and inventories of suspect parts so that they do not find their way into legitimate commerce. Other features of the bill are described in the enclosed section-by-section analysis.

If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public. Consequently, we urge that you give the bill favorable consideration.

We would be pleased to answer any questions that you may have and greatly appreciate your continued support for strong law enforcement. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to the submission of this legislation proposal, and that its enactment would be in accord with the problem of the President.

Sincerely,

JANET RENO,
Attorney General.
RODNEY E. SLATER,
Secretary of Transportation.
WILLIAM S. COHEN,
Secretary of Defense.
DANIEL S. GOLDIN,
Administrator, NASA.

Mr. HARKIN. Mr. President, I am very pleased with the provisions of the conference report concerning slots that provide for a two-step process for the elimination of airline slots, landing and take off rights at O'Hare, Kennedy, and LaGuardia Airports. Senator GRASSLEY and I proposed a similar method for the elimination of slots at those three airports over a year ago.

I am very pleased that we have been able to work closely with Chairman MCCAIN, Senator ROCKEFELLER, Senator HOLLINGS, and others on the development of this proposal. I am proud of the support that we have received from a majority of the attorneys general led by Iowa's own Attorney General Tom Miller. The U.S. Department of Transportation deserves special praise for its initiative calling for the elimination of the anticompetitive slot rule that was the starting point of our proposal. Chairman SHUSTER and the House also deserve considerable praise for their proposal to eliminate the slot rule at these airports last June.

I want to especially commend Chairman MCCAIN and his staff for working so closely with us on this issue. He held a field hearing in Des Moines on April 30 last year to hear firsthand how the current system effects small and medium-sized cities. He has worked hard to move forward a proposal which I believe will significantly increase competition. That was not an easy task.

I also want to especially thank Senator ROCKEFELLER and his staff for their considerable efforts. Both Senators have shown a keen interest in the problems unique to smaller cities where adequate service is the paramount issue.

The phasing out of the slot requirements at these airports is an important step toward eliminating a major barrier to airline competition. And, by doing so in this two step process mitigates against some of the long-term effects of the government-imposed slot rule. Under current rules, most smaller airlines have, in effect, had a far more difficult time competing, in part because of the slot rule.

The conference report allows small airlines to expanded access to all four slot controlled airports to some degree. Not as much as our original proposal. I would have liked to have seen a longer phase in of the rule at O'Hare and broader provisions for limited incumbent—that is newer and usually smaller airlines to provide additional, often competitive service which will hopefully result in lower fares and improved service in many markets. The final provisions are not as broad as Senator GRASSLEY and I initially proposed. But they are a genuine and substantial improvement. This will help stimulate increased competition and lower ticket prices. Unfortunately, at LaGuardia, smaller airlines will not be able to establish service between their hubs and LaGuardia. The number of flights to O'Hare by newer airlines is limited. But, the measure provides some real opportunities to newer often low cost carriers during the phase in period.

The measure allows a carrier to establish new service to O'Hare without any restriction starting in May so long as the new service is with aircraft with fewer than 70 seats. Cities like Sioux City in Iowa and other small and medium sized cities around O'Hare will hopefully be able to see service to O'Hare, important to many businesses and those cities economy. And, an airline can also increase the frequency of service to smaller cities so long as aircraft with fewer than 70 seats are used. Recently, Burlington IA, was facing the loss of an important round trip to O'Hare purely because of the slot rule. The Quad Cities lost service by American Airlines last year because, in part, a limited number of slots were available. There is some chance that both decisions may be reversed now that slot restrictions will no longer impact those decisions.

Timing of service to smaller cities will be more efficient and carriers will be able to increase their frequency. I am very pleased that the conferees approved a two for one rule, giving an additional slot to airlines that upgrade an existing round trip turbojet service to smaller cities with a regional jet. This provides an incentive to provide improved service to smaller cities when it makes sense to do it.

In the final step, after a shorter period than I would like at O'Hare and a longer period than I think is best at

the New York Airports, the slot rules would be ended at O'Hare, Kennedy, and LaGuardia Airports. In both cases I am hopeful that competitive airlines might get a change to establish a foothold and smaller cities would have established better service that will continue in the long term.

Access to affordable air service is essential to efficient commerce and economic development. Americans have a right to expect it. Airports are paid for by the traveling public through taxes and by fees charged by the Federal Government and local airport authorities.

Unfortunately, when deregulation came along in 1978, there was no effective framework put in place to deal with anticompetitive practices. Many of these practices have become business as usual. The result has been increased air fares and decreased service to mid-size and small communities.

The slot rule, originally put in place because of the limitations of the air traffic control system has been an effective competition. The DOT, improperly, I believe, literally gave the right to land and take off to those who used these airports on January 21, 1986. That effectively locked in the current users of those airports and locked out effective competition. It gave away a public resource. Finally, this bill phases out the slot rule and its anti-competitive effects and its negative effects on smaller communities.

Lastly, I wanted to say a few words about the budget. Our airways system has some very real problems. Capacity is limited. There are many pressure points that create bottlenecks, slowing down traffic. We need more gates, more runways and taxiways. We need better equipment and computers as well as additional flight controllers in order to increase the capacity of the system at a number of points. Long delays at our nations airports decrease the efficiency of our entire economy. This bill does provide for considerable increases in funds.

While many very necessary things are costly, some of the things that can be done with the airways systems do not cost large sums. For example, if pilots received written comments from flight controllers rather than verbal commands, the efficiency of the system would improve and the chance of errors would decrease. But, the culture of the system is slow to change. This step is now moving toward a multiyear test and then a multiyear implementation. Changes like this one should be implemented more quickly.

If we are able to provide the considerable increases in funding the airways system needs and for which this bill provides, we must see reasonable levels of funding for domestic discretionary spending over the coming years or the sums provided in this measure are not likely to occur.

LOS ANGELES TECH DEPARTMENT OF PROFESSIONAL AVIATION

Mr. BREAUX. I wish to enter into a colloquy with the Senator from South Carolina. The Department of Professional Aviation at Louisiana Tech is one of the University's most successful departments. With the expansion of the aviation industry in this nation, the University has been in the process of expanding the physical infrastructure for the Department of professional Aviation.

A new $6 million instructional facility has recently been constructed on the campus and the University will also construct a new flight operations facility at Ruston Regional Airport. While the State of Louisiana and the University have financed the cost of building these new facilities, the University is hopeful that it can receive federal assistance for the purchase of newer and safer equipment, such as new single-engine aircraft, a multiengine training aircraft, and a multiengine turbine simulator.

As we consider this FAA reauthorization bill, I would like to know whether this is something that would be appropriate for receiving financial support from the FAA in the form of competitive grant funding as part of its university research and air safety programs? I hope that grant funding for this project can be obtained from the FAA.

Mr. HOLLINGS. I appreciate the gentleman's comments and want to work with him and the FAA on this project. Let me say to the gentleman that I will work with him to determine what options may be available to Louisiana Tech with respect to this matter.

Mr. BREAUX. I appreciate that clarification.

Mr. BIDEN. Mr. President, I rise today to make a few remarks concerning the FAA reauthorization bill that is currently before the Senate. Although I will vote in support of the bill, I feel compelled to express my reservations concerning the mandatory budgetary provisions that are included in this conference agreement. It should be understood by all here today that these provisions should not be used to reduce funding for other essential transportation programs, most importantly Amtrak.

I realize the importance of passing this legislation that provides necessary funding for aviation programs over the next three years. This bill has been a long time coming and I understand it has been carefully and diligently crafted between the conferees. I believe we need additional funding for the improvement of our airports and to permit us to take advantage of the best technologies to improve passenger safety.

However, I don't believe that other transportation programs such as Amtrak should suffer as a result of the budgetary agreement that has been included in this bill. I have long been a supporter of Amtrak and am dedicated to making sure that the Federal Government lives up to its promise to provide Amtrak with sufficient support to preserve passenger rail service in this country and enable Amtrak to reach operating self-sufficiency. Because of this I want to make it clear that I'm voting for this FAA reauthorization bill with the understanding that the Majority Leader, Senator LOTT, and the Minority Leader, Senator DASCHLE, have made assurances that they will protect Amtrak from budgetary threats that may follow from this legislation.

Mr. BENNETT. Mr. President, I am very supportive of the conference agreement provisions which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I commend Chairman MCCAIN and leadership on creating a process which I believe fairly balances the interests of Senators from States inside the perimeter and those of us from western States without convenient access to Reagan National.

I have been involved and supportive of the effort to open up Reagan National since the legislation was first introduced. While I would have preferred to eliminate the perimeter rule altogether or have more slots available for improved access to the West, the final agreement includes 12 slots. I want to reiterate that these limited exemptions must benefit citizens throughout the West. Having said that, this same limited number of exemptions must not be awarded solely or disproportionately to one carrier or one airport. I expect that the DOT will ensure that the maximum number of cities benefit from these 12 slots. I am particularly concerned that small and mid-size communities in the West, especially in the northern tier have improved access through hubs like Salt Lake City.

These limited exemptions to the perimeter rule from hubs like Salt Lake City will improve service to the Nation's capital for dozens of western cities beyond the perimeter—while ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

Throughout this bill, the goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provision relating to improve access to Reagan National Airport is no different. Today, passengers from many communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is to ensure that not just large city point-to-point service will benefit, but that passengers from all points west of the perimeter will have better options to reach Washington, DC, via Ronald Reagan Washington National Airport. This provisions is about using this restricted exemption process to spread improved access throughout the West—not to limit the benefits to a few large cities which already have a variety of options.

Let me be clear, according to the language contained in this provision, if

the Secretary receives more applications for additional slots than the bill allows, DOT must prioritize the applications based on quantifying the domestic network benefits. Therefore, DOT must consider and ward these limited opportunities to western hubs which connect the largest number of cities to the national air transportation network. In a perfect world, we would not have to make these types of choices and could defer to the marketplace. This certainly would be my preference. However, Congress has limited the number of choices thereby requiring the establishment of a process which will ensure that the maximum number of cities benefit from this change in policy.

Again, Mr. President, I would like to commend the chairman and his colleagues for their efforts to open the perimeter rule and improve access and competition to Ronald Reagan Washington National Airport. As a part of my statement I would like to include in the RECORD a letter sent to Chairman MCCAIN on this matter signed by seven western Senators.

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

U.S. SENATE,
Washington, DC, August 23, 1999.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Washington, DC.

DEAR CHAIRMAN MCCAIN: We are writing to commend you on your efforts to improve access to the western United States from Ronald Reagan Washington National Airport. We support creating a process which fairly balances the interests of states inside the perimeter and those of western states without convenient access to Reagan National.

These limited exemptions to the perimeter rule will improve service to the nation's capital for dozens of western cities beyond the perimeter—while at the same time ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small- and medium-sized cities.

The most important aspect of your proposal is that the Department of Transportation must award these limited opportunities to western hubs which connect the largest number of cities to the national transportation network. In our view, this standard is the cornerstone of our mutual goal to give the largest number of western cities improved access to the Nation's capital. We trust that the Senate bill and Conference report on FAA reauthorization will reaffirm this objective.

In a perfect world, we would not have to make these types of choices. These decisions would be better left to the marketplace. However, Congress has limited the ability of the marketplace to make these determinations. Therefore, we must have a process which ensures that we spread improved access to Reagan National throughout the West

We look forward to working with you as the House and Senate work to reconcile the differences in the FAA reauthorization bills.

Sincerely,

ORRIN G. HATCH.
ROBERT F. BENNETT.
LARRY E. CRAIG.
CONRAD BURNS.
CRAIG THOMAS.
MIKE CRAPO.
MAX BAUCUS.

Mr. AKAKA. Mr. President, I rise in support of H.R. 1000, the Air Transportation Improvement Act. This measure will enhance the safety and efficiency of our air transportation system, upon which the island state of Hawaii depends upon so much. I am especially supportive of title VIII, the National Parks Air Tour Management Act of 2000.

Mr. President, title VIII of H.R. 1000 establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. This legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with input from stakeholders, to develop an air tour management plan, known as ATMP's, for parks currently or potentially affected by air tour flights.

The ATMP process evaluates routes, altitudes, time restrictions, limitations on, and other operating parameters to protect sensitive park resources and to enhance the safety of air tour operations. An ATMP could prohibit air tours at a park entirely, regulate air tours within ½ mile of park boundaries, regulate air tour operations that affect tribal lands, and offer incentives for the adoption of quieter air technology.

H.R. 1000 also creates an advisory group comprised of representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

Through the ATMP process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and aviation needs can be addressed in the context of the unique circumstances that exist at individual national parks.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialog among diverse stakeholders, mirrors key elements of legislation, the National Parks Airspace Management Act, that I sponsored in several previous Congresses.

Mr. President, adoption of this bill is essential if we are to address the detrimental impact of air tour activities on the National Park System effectively. Air tourism has significantly increased in the last decade, nowhere more so than over high profile units such as the Grand Canyon, Great Smoky Mountains, and Haleakala and Hawaii Volcanoes national parks. A 1994 Park Service study indicated that nearly a hundred parks experienced adverse park impacts, and that number has certainly increased since then. Such growth has inevitably conflicted with the qualities and values that many park units were established to promote.

Air tour operators often provide important emergency services while enhancing park access for special populations like the physically challenged and older Americans. Furthermore, air tour operators offer an important source of income for local economies, notably tourism-dependent areas such as Hawaii. However, unregulated overflights have the potential to harm park ecologies, distress wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations also pose a safety hazard to air and ground visitors alike.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interests of the aviation and environmental communities. Congress and the Administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress' initial, but limited, attempt to address the overflights issue. Title VIII of H.R. 1000 will finish where the 1987 act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balance the needs of air tour operators with the imperative to preserve and protect our natural resources.

Mr. President, the overflights provisions of this bill are the product of good faith efforts on the part of many groups and individuals. They include members of the National Parks Overflights Working Group, whose consensus recommendations from the underpinnings of this legislation; representatives of air tour and environmental advocacy organizations such as Helicopter Association International and the National Parks and Conservation Association; and, officials of the FAA and Park Service.

However, title VIII is above all the product of the energy and vision of Senator JOHN MCCAIN. As the author of the 1987 National Parks Overflights Act, Senator MCCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has employed his moral authority and legislative skills to advance a constructive solution on this subject. For his leadership in writing this bill and for his long advocacy of park overflight issues, Senator MCCAIN deserves our lasting appreciation.

Mr. President, I am honored to have worked closely with Senator MCCAIN over the last few years to formulate an overflights bill that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources

that give value to a park. I believe that the pending measure reasonably and prudently balances these sometimes opposing considerations, and urge my colleagues to support this legislation.

Before I conclude my remarks, Mr. President, I would like to recognize the staff of the Commerce Committee for their hard work in putting this legislation together. Ann Choiniere deserves mention for her day-to-day management of the overflights issue. I would also like to recognize former members of my own staff, Kerry Taylor, Bob Weir, Steve Oppermann, and John Tagami, who made important contributions to this issue. Steve in particular has served as an expert resource whose tireless, and largely unheralded contribution has shaped the overflights debate in a major way.

Thank you, Mr. President. I yield the floor.

Mr. BAUCUS. Mr. President, I rise today to support the conference report on Federal Aviation Reauthorization. I am pleased that Congressional negotiators have reached an agreement providing needed resources and investment for the federal aviation programs, while maintaining budgetary discipline.

The final agreement maintains the FAA on-budget status but insures that the money in the Trust Fund will be spent only on aviation programs. The agreement provides a strong and enforceable guarantee to ensure that FAA appropriations will be no less than the amounts paid annually into the Trust Fund. The final agreement also permits the use of general funds for aviation programs subject to the normal appropriation process. This combination of Trust Fund and general fund revenue will help to ensure that much needed construction and maintenance are carried out as part of our nation's aviation program.

Part of the agreement reached by the conferees includes a provision which addresses what I believe is a complicated and growing problem—flight delays and cancellations.

The problem is not that delays and cancellations occur. Airlines must maintain a tight schedule and that schedule can be greatly affected by weather or equipment problems.

For travelers, it is a mystery whether these delays and cancellations are caused by weather, equipment problems, or economic convenience. Nobody knows. The airlines don't have to tell you. After you finally reach your destination, there's a good chance that you'll never know why you were stranded thousands of miles from home or why you missed that important business meeting.

But flights also are canceled or delayed for economic reasons, not just mechanical or weather-related problems. And when these economic delays and cancellations occur, it's usually rural America that gets the short end of the stick. For instance, if there are 40 people in Denver waiting for a flight to Billings, MT and another 120 waiting to go to San Francisco but only one plane is available, the flight to Billings will be canceled. For the Airlines, its simple. It costs less to put 30 people up in a hotel and send them on to Billings the next day than it does to send 120 California-bound people to a hotel.

That is wrong. If flights are canceled for economic or other reasons, passengers deserve to know the truth. It will also allow them to shop around for the airline that has the best performance record. When you only have a couple of flights into a town, as is the case with much of rural America, cancellations are not just an inconvenience. There is an economic impact as well.

As my home state of Montana, and our neighbors in North and South Dakota, Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable?

Right now, Montana's economy needs work. Our state ranks near the bottom of per-capita individual income. Other measures of economic progress are also pretty low. Reliable air service doesn't guarantee economic growth. But without it, workers and employers alike have a difficult burden to bear.

That is why I am pleased that the conference report contains a version of my amendment to require air carriers to more fully disclose the cause of delays. The conference report creates a task force that will modify Airline Service Quality Performance Reports to reflect the reasons for such delays and cancellations, such as snow storms, mechanical difficulties or economic reasons, like the one I just mentioned. This task force will consist of representatives of airline consumers and air carriers.

Currently, the ten largest airlines have to report monthly to the Department of Transportation all flights that are more than 15 minutes late to and from the 29 U.S. airports that make up at least 1 percent of the nation's total domestic scheduled-service passenger enplanements. This statistic includes cancellations. My provision will broaden this reporting so that more passengers will have this information.

I realize that simply reporting the reason will not stop the practice of delaying flights or canceling them for economic reasons. Airlines are a business. An industry. As such, they must make business decisions that will keep their operation in the black.

But, if airlines have to start reporting the reasons for missed connections and disrupted lives, consumers can start making their own choices about which airline to fly. In the end I hope this information will lead to more dependable service around the country, but especially in rural America.

Mr. WARNER. Mr. President, I thank the conferees for their hard work and diligent effort to accommodate the wide range of interests on this long-awaited legislation.

I take this opportunity to make my position on the FAA conference agreement perfectly clear. There are three areas which I want to address. First, I am grateful to the conferees for the inclusion of my amendment delinking federal Airport Improvement Program (AIP) funds to Reagan National and Dulles International Airports to the confirmation of federal appointees to the Metropolitan Washington Airports Authority (MWAA). This provision ensures the release of $144 million to allow for critical safety and modernization plans to go forward. Second, I want to express my regret that the provision raising the Passenger Facility Charges (PFC) was included as part of the conference agreement. Lastly, it was my strong preference that no new additional flights be allowed into and out of Reagan National Airport. Despite my opposition, it was the will of the Congress to increase the number of slots at Reagan National. I will continue to oppose any increase in the number of flights at Reagan National.

I am pleased with the inclusion of my amendment to give Reagan National and Dulles International Airports equitable treatment under Federal law that is enjoyed today by all of the major commercial airports.

As you know, Congress created the MWAA Board of Directors and charged the Senate with the duty of confirming three federal appointments. In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal AIP entitlement grants and the imposition of any new passenger facility charges (PFC) to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any PFC applications, these airports have been denied access to over $144 million.

These are funds that every other airport in the country receives annually and are critical to maintaining a quality level of service and safety at our Nation's airports. Unlike any other airport in the country, the full share of federal funds have been withheld from Dulles and Reagan National for nearly three years.

These critically needed funds have halted important construction projects at both airports. Of the over $144 million that is due, approximately $161 million will fund long-awaited construction projects and $40 million is needed to fund associated financing costs.

I respect the right of the Senate to exercise its constitutional duties to confirm the President's nominees to important federal positions. I do not, however, believe that it is appropriate to link the Senate's confirmation process to vitally needed federal dollars to operate airports.

This amendment would not remove the Congress of the United States, and particularly the Senate, from its advise-and-consent role. It allows the

money, however, which we need for the modernization of these airports, to flow properly to the airports. These funds are critical to the modernization program of restructuring them physically to accommodate somewhat larger traffic patterns, as well as do the necessary modernization to achieve safety-most important, safety-and greater convenience for the passengers using these two airports.

Mr. President, my amendment is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles and I am pleased with its inclusion.

Secondly, I wanted to express my profound regret that the conference agreement includes any increase in PFC charges.

The current PFC cap is set at $3 per airport and passengers can easily pay a total of $12 in taxes on a round trip flight. Already, airline passengers are subjected to a 7.5% federal excise tax, the $12.40 per passenger excise tax on air passenger arrivals, as well as the 4.3 cents per gallon Aviation Trust Fund tax on aviation jet fuel. Airline passengers can pay as much as 40% of their total ticket cost just in taxes.

Providing better airport facilities is imperative but raising PFCs in order to guarantee a revenue stream for aviation is like flying a jet plane with less than adequate destination fuel. You'll get off the ground but it will come at great cost.

Lastly, the conference agreement includes a provision that will allow for an increase of 12 flights at Reagan National Airport. The original Senate language included an unacceptable and astonishing number of 48 takeoffs and landings. I fought very hard to stem the tide as I had innumerable environmental, clean-air and local control concerns and am appreciative the conferees agreed to scale back the number of additional slots to a less egregious number. In crafting this agreement, I strongly urge my colleagues in the Senate not to open future discussion on this matter without appropriate deference being made to my constituents in Virginia.

Mr. SPECTER. Mr. President, I have sought recognition today to highlight an important provision in the Federal Aviation Administration reauthorization conference report which provides more equitable treatment for families of passengers involved in international aviation disasters.

The devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones who were participating in a long-awaited Montoursville High School French Club trip to France.

Last Congress it was brought to my attention by constituents, including parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court was hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to apply to the widows of seafarers, not the relatives of jumbo-jet passengers who have perished during international air travel.

The Death on the High Seas Act states that where the death of a person is caused by wrongful act, neglect, or default occurring more than one marine league—three miles—from U.S. shores, a personal representative of a decedent can only sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. Therefore, the families of the victims of aviation accidents, such as TWA 800, Swissair 111 and EgyptAir 990, all of which occurred more than three miles offshore, were precluded from recovering non-pecuniary damages such as loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

In the 105th Congress Representative McDade and I introduced legislation to remove the application of the Death on the High Seas Act from aviation incidents. Our legislation was not enacted into law, and in the 106th Congress, Representative SHERWOOD and I again reintroduced this measure. The House bill, H.R. 603, passed by an overwhelming margin and was incorporated into the House FAA reauthorization bill. The Senate version of the FAA bill included a provision allowing victims' families to recover non-pecuniary damages, but with a cap of $750,000, which I opposed.

On October 18, 1999, I was successful in convincing 15 of my colleagues to join me in a letter to Chairman MCCAIN urging the Senate to accept the House provision in conference. Representative SHERWOOD and I also worked closely with Chairman SHUSTER and his staff to press our case before the conferees.

I am very pleased that the final provision agreed upon in the FAA reauthorization conference report accomplishes the primary goal of our free-standing legislation by extending the territorial seas of the United States from three to twelve miles for the purpose of aviation accidents after July 16, 1996. This effectively removes TWA 800—which crashed roughly ten miles offshore—from coverage under the Death on the High Seas Act. In addition, while the Death on the High Seas Act will still apply to other aviation accidents which occurred beyond twelve miles, such as Swissair 111 and EgyptAir 990, non-pecuniary damages will now be recoverable for the first time.

Our success in this matter would not have been possible without the work of many, and I would particularly like to recognize the efforts of Hans Ephraimson-Abt, Frank Carven and Will and Kathy Rogers, all of whom have lost loved ones as a result of tragedy in international air travel. These individuals first brought this issue to my attention and served as able advocates. I would also like to thank Dan Renberg and Mark Carmel of my staff, who worked tirelessly on behalf of all the victims' families. Finally, I would like to thank my colleagues, Chairman SHUSTER, Chairman MCCAIN, Senator HOLLINGS and Senator GORTON for working with Representative SHERWOOD and myself to address this matter.

This issue is not about large damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes. While nothing can ever completely take away the pain and grief felt by those who lost loved ones in these tragedies, I am hopeful that the victims' families are comforted with the knowledge that some measure of fairness has been restored and the American civil justice system is now more accessible.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Today is a great day for rural America's air passengers. This legislation will bring much needed air service to under served communities throughout the Nation. It will also grant billions of dollars in federal funds to our Nation's airports for upgrades, through the Airport Improvements Program (AIP).

Senator SLADE GORTON, Chairman of the Committee on Commerce, Subcommittee on Aviation, is to be commended for his superb leadership on this complex and contentious measure. My friend and colleague from the State of Washington proved himself pivotal earlier during floor consideration of the Senate bill and during the conference with the other body on this bill. Together with Chairman DOMENICI, Chairman STEVENS, and Senator HOLLINGS, their joint efforts moved this bill to today's passage.

Rural Americans are the biggest winners with the passage of H.R. 1000. Citizens of small and under served communities can look forward to the day when they no longer have to travel hundreds of miles and several hours to board a plane. This legislation provides incentives to domestic air carriers and their affiliates to reach out to these people and serve them conveniently near their homes. Many Americans will be able to travel a reasonable distance to gain access to our Nation's skies and, from there, anywhere they wish to go.

Mr. President, I also applaud the hard work of Senator FRIST of Tennessee, Senator ABRAHAM of Michigan, and Senator ASHCROFT of Missouri, all members of the Senate Commerce Committee. Their dedication to the flying public helped move the FAA conference when agreements on contentious aviation issues were not met. They understand the delays, inconvenience, and headache their constituents must endure when flying—they get it. I firmly believe that without the engagement of these three gentlemen the Senate would not be voting on H.R. 1000

today. The people of Tennessee, Michigan, and Missouri should be extremely proud of their representation in Washington.

The major policy changes in H.R. 1000 led to hard fought, but honest disagreements. I have enormous respect for the efforts of Chairmen DOMENICI, STEVENS, and SHUSTER, as well as House Ranking Member OBERSTAR, as they diligently advocated for their committees' jurisdictions. One thing was abundantly clear during the FAA conference—my colleagues recognized our Nation's aviation needs and made significant commitments to increase aviation funding. This honest debate and willingness to work together to achieve common goals is what makes it exciting to serve in Washington.

Mr. President, I am extremely proud of my colleagues. Since 1995, the Republican majority has made infrastructure a top legislative priority. Two years ago, my friends in the House and Senate successfully led an effort to boost the amount of federal funding for highway construction and improvements. History will reflect that this Congress also deeply cared about our Nation's infrastructure. One of the main components of H.R. 1000 directs the expense of all Airports and Airways Trust Fund revenue and interest on aviation needs. Trust Fund revenue and interest means that America's airports will get the improvements they desperately need to take our aviation infrastructure into the 21st Century.

Mr. President, no legislative initiation is ever possible without the dedicated efforts of staff, and I want to take a moment to identify those who worked hard to get FAA legislation through conference and to the Senate for approval.

From the Senate Committee on Commerce, Science and Transportation: Marti Allbright; Lloyd Ator; Mark Buse; Ann Choiniere; Julia Kraus; Michael Reynolds; Scott Verstandig; and Sam Whitehorn.

From the Senate Committee on the Budget: Beth Felder; Bill Hoagland; Mary Naylor; Barry Strumpf; and Cheryle Tucker.

From the Senate Committee on Appropriations: Wally Burnett; Paul Doerrer; Peter Rogoff; and Mitch Warren.

The following staff also participated on behalf of their Senators: Chrystn Alston; Kerry Ates; Rich Bender; David Broome; Bob Carey; Steve Browning; Jeanne Bumpus; John Conrad; Margaret Cummisky; Brett Hale; Keith Hennessey; Ann Loomis; Randal Popelka; Mitch Rose; Lisa Rosenberg; Greg Rothchild; Jim Sartucci; Lori Sharpe; Brad Van Dam; and Andy Vermilye.

Mr. President, these individuals worked very hard on H.R. 1000, and the Senate owes them a debt of gratitude for their dedicated service to this country.

Mr. President, our Nation's small communities are a step closer to receiving long-sought air service. Also, America's airports will be enhanced. This is good for all Americans.

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

Mr. GORTON. Mr. President, I think we are quite close to the end of this debate. I wish to make only a few remarks, primarily in response to those of the distinguished Senator from New Jersey, who spoke in opposition.

One reason this bill has taken so long to come before the Senate in the final conference report was an objection I shared with the chairman of the Budget Committee, Senator DOMENICI, the chairman of the Appropriations Committee, Senator STEVENS, and the majority leader to creating a new entitlement.

I do not believe, in the ultimate analysis, this bill does create a new entitlement. It does say that all of the money collected by the aviation passenger tax that has long been statutorily earmarked toward aircraft, airport, and airline purposes ought to be spent on that purpose. It does effectively guarantee that trust fund will be spent for the purposes it was created. That, it seems to me, is a good thing rather than a bad thing.

The Senator from New Jersey is correct in saying we will be required in the future, as I think we ought to be, to appropriate general fund money for aircraft purposes in the broadest sense. I suppose one can call that a subsidy to air travel.

The Senator speaks of Amtrak. My figures indicate that the roughly 20 million Amtrak passengers each year are subsidized by the general taxpayer to the extent of $28 per passenger per trip. Even if one assumed this bill would essentially require spending $2.5 million a year on the Federal Aviation Administration in general fund moneys over and above the trust fund, and even if we attributed every one of those dollars directly to the passengers of commercial aircraft, which of course we should not, that would be roughly $4 a passenger, or one-seventh the amount of subsidy to rail passengers.

The bottom line is that the Appropriations Committee still retains authority to shift funds among various capital accounts that are within the trust fund and still allow for a direct appropriation of whatever amount the Senate desires for general fund purposes. It will make it more difficult not to come up to authorized levels, but it does not make it impossible.

We all agree that the needs of our air transportation system are emergent and are large. This bill represents a major step forward to funding an adequate amount and will still allow judgments to be made between various forms of transportation and other needs of the country in an appropriate fashion.

This is a good bill, and I believe it ought to be passed with an overwhelmingly affirmative vote.

Has a rollcall vote been ordered on final passage?

The PRESIDING OFFICER. It has not.

Mr. GORTON. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. I think it appropriate to ask for 2 minutes prior to the vote at 5 p.m. for summary conclusions on the bill, 1 minute on each side.

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

Mr. GORTON. How much time remains?

The PRESIDING OFFICER. The Senator from Washington State has 2 minutes remaining; the Senator from West Virginia has 7½ minutes.

Mr. GORTON. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I only make a couple of comments. I indicated this is the largest increase in aviation spending in history. I did that out of a sense of pride because of the urgency of the situation we face. This is not money which is being spent for the sake of money; it is money being spent so we will not walk into the disaster we are now headed towards.

I remind my colleagues—the delays, the near misses, the pressure, the outdated equipment, the insufficient time for preparation at work, salaries, money for various purposes—we cannot take an air traffic control system or modernize an FAA in the way they want to do it, we cannot pay the many thousands of people who work to keep it safe in this country, without spending money.

It has been said a number of times that the number of people who will be flying in this country will be a billion in less than 10 years. Cargo traffic on a worldwide basis, as well as in our country, will increase exponentially. The number of planes flying in the skies will increase by at least 50 percent in less than 10 years. Think about that. We have the same number of runways; we have 20- to 30-year-old computers trying to figure out what altitudes the planes are flying and figure out how to separate them; we look at all the different tracking systems we have in our aviation system and we would be embarrassed to have that equipment in our own Senate offices. It is a crisis. Therefore, it is a priority. We are talking about the saving of American lives and lives across the world. Money must be spent.

It is not that other transportation is any less important. This Senator benefits enormously from the services of Amtrak. An airplane crash does something to the Nation's psychology. It can take 2 or 3 years for an airline to recover from an instant which costs lives. The economic impact and, most importantly, the human impact and the pressure on people who run the

aviation system to prevent these things from happening, to have safe skies, is absolutely overwhelming. It is something which is not recognized sufficiently by the American people and which we are, happily, recognizing in this bill.

The Secretary of the Department of Transportation is happy with this bill and will recommend to the President that he sign it. Jane Garvey, the FAA Administrator—somebody in whom I have an enormous amount of confidence, who has run Boston's airport by herself and knows the situation cold—is very much in support of this.

After all, we have not taken anything off budget. The aviation trust fund is still on budget. We have not built any firewalls. We have acted in a responsible fashion. However, we have applied more money because this is a particularly special crisis which, thank heavens, after a number of years, Congress has finally recognized.

In my earlier remarks, I failed to mention BUD SHUSTER in the House, the chairman of their committee, and JIM OBERSTAR, dear friends of many years. What they and their colleagues have done is extraordinary. I think we have a superb bill. It is not a perfect bill, but it is, as in all things, the result of compromise. I think, generally speaking, we have a bill of which to be extremely proud. I know the Senator from West Virginia believes that very strongly.

Unless there are others who wish to speak, I hope our colleagues will vote to pass this conference report when the time comes this afternoon.

I yield back the remainder of my time.

Mr. GORTON. Mr. President, I believe that uses the time of all the people who wish to speak on the conference report. I ask unanimous consent debate, other than the 2 minutes at 5 p.m., be concluded.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent I may speak in morning business for 12 minutes or thereabouts.

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

MEASURE PLACED ON THE CALENDAR—S. 2184

Mr. MURKOWSKI. Mr. President, I understand there is a bill at the desk due for its second reading.

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

The senior assistant bill clerk read as follows:

A bill (S. 2184) to amend chapter 3 of title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits.

Mr. MURKOWSKI. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Objection having been heard, under the rule, the bill will be placed on the calendar.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2214 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the time allocated to Senator DURBIN.

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

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, I have come to the floor repeatedly over the last few months to talk about the importance of prescription drug coverage under Medicare for the Nation's senior citizens. Today I want to focus on how the absence of this coverage essentially undermines our entire health care system.

What we are seeing is that every day, in the United States, senior citizens who are ailing from a variety of health problems end up getting sicker because they are not able to afford their prescription medicine. Very often these seniors end up being hospitalized and needing vastly more expensive medical services that are made available under what is called Part A of the Medicare program.

Today, I want to describe a case I recently learned about in Hillsboro, OR, because it illustrates just how irrational, how extraordinarily illogical, it is to have a health care system for the Nation's senior citizens that does not cover prescription drugs.

An orthopedist from Hillsboro, OR, recently wrote me that he actually had to hospitalize a patient for over 6 weeks because the patient needed antibiotics that they were not covered on an outpatient basis.

Here you had a frail, vulnerable older person. The physician, and all the medical specialists involved, believed that person could be treated on an outpatient basis with antibiotics, but because there was not Medicare coverage available on an outpatient basis—because there was not the kind of coverage Senator DASCHLE has been talking about and Senator SNOWE and I have made available in the Snowe-Wyden bipartisan legislation—because that coverage was not available to the senior citizen in Hillsboro, OR, that older person had to be hospitalized for over 6 weeks.

Here is what the doctor said to me:

This method of treatment [the preferred outpatient method of treatment] is cost effective and is preferred by patients and doctors. In this case, the patient is condemned to spend 6 weeks in the hospital solely to receive intravenous antibiotics. To me, this seems like a tremendous waste of money and resources. The patient would be better at home.

What this case illustrates is exactly why we need, on a bipartisan basis—the Snowe-Wyden legislation is one approach; our colleagues may have other ideas on how to do it—but this is a case study on why it is so important to cover prescription drugs for older people under Medicare.

We are not talking about some abstract academic kind of analysis that comes from one of the think tanks here in Washington, DC. This is a physician in Hillsboro, OR, who had to put a patient, an older person, in a hospital for 6 weeks because they could not afford to get their medicine on an outpatient basis.

A lot of our colleagues are here on the floor who are on the Commerce Committee. We look at technology issues at that Committee. The irony is, we can save money, again, through the use of new technology in health care.

The kind of treatment that would have been best for this older person in Oregon would have been through an electronic delivery system the older person could have used on their belt for a relatively short period of time had Medicare covered that prescription the older person needed. But because that person could not get coverage for the antibiotics and use that electronic delivery system on an outpatient basis, which they could wear on their belt, they had to go into a hospital for 6 weeks.

Colleagues, we are going to hear a lot over this break from senior citizens and families about the importance of this issue. I intend tomorrow, again, to come to the floor and discuss this matter. Senator DASCHLE has made it very clear to me, and talks about it virtually every day, that he wants to have the Senate find the common ground. He wants Senators to come together and deal with this on a bipartisan basis. The Snowe-Wyden legislation is one approach. Our colleagues have other bills.

The point is, let us make sure, in this session of Congress, that in Arkansas, in Washington, and in the State of Nevada, we do not have older people hospitalized unnecessarily for 6 weeks because we have not come together as a Senate to make sure they can get those medicines on an outpatient basis.

Science has given us cost-effective, practical remedies for these people in need, remedies that will reduce suffering and will reduce costs to taxpayers.

Let us come together, on a bipartisan basis, to make sure we do not adjourn without adding this important benefit to the Medicare program.

As I have made clear, I intend to keep coming back to the floor of the Senate until we, on a bipartisan basis, as Senator DASCHLE has suggested, come together and get this important job done.