

such a way that a recorded vote is not necessary, but we are not to that point yet.

The business at hand is the FAA reauthorization bill. We cannot leave without getting that reauthorization done.

On Saturday, I had a unanimous consent request that we were prepared to propound, which we thought was going to be accepted, that the Senate turn to the consideration of the conference report to accompany the FAA reauthorization bill and that we would have a cloture vote on Monday, today, at 5 o'clock.

Because of the desire to notify the Members that we would not have further recorded votes on Saturday, I made that announcement so everybody would know, and that made it possible for this cloture effort to be blocked, in effect. The indications were that, "Well, we're going to have a scorched Earth effort and we might require all kinds of procedural votes," and we couldn't get to forcing this to a head after that particular move over the weekend.

So we are finding ourselves where we are now.

#### FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

##### MOTION TO PROCEED

Mr. LOTT. Mr. President, I am going to move to proceed to the FAA conference report, and I send a cloture motion to the desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the conference report to accompany H.R. 3539, the F.A.A. bill:

Larry Pressler, Fritz Hollings, John McCain, Kay Bailey Hutchison, John Ashcroft, Ted Stevens, Slade Gorton, Bill Frist, Trent Lott, Fred Thompson, Al Simpson, Craig Thomas, Conrad Burns, Frank H. Murkowski, Olympia Snowe, Wendell Ford.

Mr. LOTT. Mr. President, I ask unanimous consent to read or present a statement as to what I am doing so everybody will understand exactly what is going on.

The PRESIDING OFFICER. The Senate will please be in order. Without objection, it is so ordered.

Mr. LOTT. Mr. President, there is broad bipartisan support for this legislation in its present form. So the purpose of this action just taken is to produce a cloture vote with respect to the FAA conference report.

Since Senator KENNEDY and others have blocked consideration of that conference report and are insisting on the report being read by the clerk, this cloture vote is only on the motion to proceed to the conference report. As all Senators know, the motion to proceed to a conference report is not debatable. Therefore, under the Senate rules, a cloture vote to limit debate is not necessary.

However, this vote, if invoked, would represent to the Senate that the votes are, in fact, there to adopt the conference report, and I believe it would be an overwhelming vote, probably well over 65, maybe 70 votes. I hope that the objectors will see their way clear to allow this vote to occur yet tonight.

That was one important point I wanted to make so that everybody would be on notice we could have a vote tonight, and if the prerequisite 60 votes are obtained, they realize this bill is going to go forward, the Senate intends to adopt the conference report immediately following the cloture vote or after a brief period of debate.

So I urge all colleagues to consider this request, and I will be visiting with the Democratic leader, who has been working with me trying to find a way to move this legislation through to conclusion.

I remind our colleagues that if we did change it, even, and send it back to the House, there is no guarantee that it would get through the House. In fact, I have been led to believe the House will not accept it if there is a change, putting us basically in the same position we are in.

What we need to do is to pass this legislation in the form that it presently exists, and it is my intent to move it forward one way or the other until we can get an agreement as to how we can come to a conclusion, where there is an overwhelming majority, a supermajority of the Senate who wants to do this.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the comments of the majority leader. For those of us who have observed that there was an inclusion in the FAA legislation that was targeted to one special interest, one special company that would have affected their labor relations, and added, and has virtually nothing to do with the FAA—

Mr. MCCAIN. Mr. President, this is not a debatable motion.

Mr. KENNEDY. Mr. President, I believe I have the floor. Mr. President, I believe I have the floor. I asked for recognition.

The PRESIDING OFFICER. The motion to proceed to a conference report is not a debatable motion.

Mr. KENNEDY. I asked for recognition. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I believe it is not debatable, but I rise just to say we have not been able to work out anything. The opponents of this legislation are insisting on going forward with procedural votes, and I think maybe that is the best way to go. So if the Senator from Massachusetts wants to make a motion now on a procedural vote which goes to the substance of the issue, we should go ahead and have that vote, and it could be followed by other votes.

##### MOTION TO POSTPONE THE MOTION TO PROCEED

Mr. KENNEDY. Mr. President, I send a motion to postpone to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to postpone the motion to proceed to the consideration of the conference report to accompany H.R. 3539 to October 3, 1996.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I move to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to postpone the motion to proceed.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 303 Leg.]

##### YEAS—97

Abraham	Burns	Dorgan
Akaka	Byrd	Exon
Ashcroft	Chafee	Faircloth
Baucus	Coats	Feingold
Bennett	Cochran	Feinstein
Biden	Cohen	Ford
Bingaman	Conrad	Frahm
Bond	Coverdell	Frist
Boxer	Craig	Glenn
Bradley	D'Amato	Gorton
Breaux	Daschle	Graham
Brown	DeWine	Gramm
Bryan	Dodd	Grams
Bumpers	Domenici	Grassley

Gregg	Leahy	Rockefeller
Harkin	Levin	Roth
Hatch	Lieberman	Santorum
Hatfield	Lott	Sarbanes
Heflin	Lugar	Shelby
Helms	Mack	Simon
Hollings	McCain	Simpson
Hutchison	McConnell	Smith
Inhofe	Moseley-Braun	Snowe
Inouye	Moynihan	Specter
Jeffords	Murkowski	Stevens
Kassebaum	Murray	Thomas
Kempthorne	Nickles	Thompson
Kennedy	Nunn	Thurmond
Kerrey	Pell	Warner
Kerry	Pressler	Wellstone
Kohl	Pryor	Wyden
Kyl	Reid	
Lautenberg	Robb	

## NOT VOTING—3

Campbell	Johnston	Mikulski
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The motion to lay on the table the motion to postpone the motion to proceed was agreed to.

Mr. FORD. Mr. President, I voted, reluctantly, for the continuing resolution. Clearly, we had to pass this measure because, without it, vital government functions would have shut down and hard-won investments in education and other Democratic priorities would not be made.

We are here, on the last day of the fiscal year, passing a massive omnibus bill, because the majority party has failed to do its work. Instead of moving through the normal appropriations process, with the opportunity to consider individual bills and amendments, we were forced to vote, up or down, on a bill put together in only the last few days.

I object to this process because it does not allow the consideration of the resolution's specific provisions that ought to be debated separately and out in the open. I have a particular interest in one of those provisions, Mr. President, because it affects my constituents in western Kentucky. I am referring to the bill's earmark of \$3 million to create a national wildlife refuge in the Kentucky Counties of Marshall, Graves, and McCracken.

Earlier this month, I announced my intention to offer an amendment to the Interior appropriations bill that would have redirected this \$3 million to another wilderness area that is sorely underfunded, the Land Between the Lakes. In the interest of keeping the government open, I did not offer that amendment today, but I would like to take a moment and explain what is at issue for the people of western Kentucky.

We have been told, Mr. President, that the provision in the continuing resolution is needed because Kentucky is the only state without a national wildlife refuge. This is simply not the case. In fact, large parts of two Federal wildlife refuges—the Ohio River Islands and the Reelfoot National Wildlife Refuges—lie within Kentucky. Together, they total about 2,200 acres. In addition to these areas, there are numerous state-run wildlife refuges and wilderness areas in Kentucky. So when supporters of the refuge tell us that Kentucky is the only state without a ref-

uge, they're not telling us the whole story.

When we pass this continuing resolution, Mr. President, we will be appropriating \$3 million for the refuge. But the U.S. Fish and Wildlife Service tells me that it'll cost another \$17 million to actually create the refuge. Supporters of the refuge will be back next year, and the year after that, looking for more money.

Meanwhile, the Land Between the Lakes, a 170,000 acre preserve located just 15 miles away from the proposed refuge, continues to go begging. Due to budget cuts over the last several years, the main north-south roadway through the Land Between the Lakes has fallen into disrepair; the Brandon Springs Resident Center, which serves underprivileged and disabled children from around the nation, has been forced to put needed repairs on hold; and the Youth Station, which provided environmental education for children, including my own grandchildren has closed its doors.

Mr. President, we will probably hear that the Tennessee Valley Authority [TVA] got everything it asked for regarding the Land Between the Lakes. Don't be misled. Last year, the TVA put together an options plan for how to commercialize the preserve and replace the federal money it receives. Now, the plan to commercialize was soundly rejected by Kentuckians. However, the plan points out that, simply to keep the Land Between the Lakes running would require \$11.5 million annually. Reducing basic services to include only basic camping, limited lake access and the like would cost \$6.5 million. And how much was appropriated for the Land Between the Lakes this year? Only \$6 million! And out of that \$6 million is a \$900,000 bill for security that used to be paid for by the TVA. Clearly, funding for the Land Between the Lakes is far from adequate. And without federal support, the Land Between the Lakes will be forced to go commercial. I will not stand by and let that happen.

What is likewise galling to me, Mr. President, is that the people who live in and around the area of the proposed refuge don't support it. The head of the Marshall County Soil and Water Conservation District told me that "our opposition to making a federal wildlife refuge of the East Fork of Clark's River stems from the overwhelming opposition of landowners and tenants in the proposed area." This statement is borne out by the letters and phone calls I have received and by articles in local papers like the Paducah "Sun" and the Murray "Ledger-Times." A constituent from Benton told me that "farmers and others affected by the proposed refuge should be consulted. We have not been contacted."

It is possible that sometime today, supporters of the refuge will again bring out a list of 57 groups that support the refuge. As I have said before, I am sure each one is a fine organiza-

tion. But not one is from the affected counties and the closest one is a hundred miles away from where the proposed refuge would be located.

Now, I want to be clear: I am not opposed to the creation of another national wildlife refuge in Kentucky. But I am opposed to creating a wildlife refuge that endangers the funding for the Land Between the Lakes and doesn't have the support of the Kentuckians who will be affected by its creation. A constituent from nearby Crittenden County told me that "it's hard to believe that LBL would continue to be properly funded with the addition of a \$20 million refuge." He's right. We should, in the words of Marshall County's judge-executive, "take care of what we've got before we open" a new nature preserve.

Unfortunately, Mr. President, by including this \$3 million earmark in the continuing resolution, we aren't taking care of what we've got. We are taking on another obligation at a time when we are hard-pressed to meet existing responsibilities. I hope that next year, the Senate will be able to consider all thirteen appropriations bills in the normal process so that these matters can be discussed out in the open. The people of western Kentucky deserve a chance for their voices to be heard.

#### FEDERAL AVIATION AUTHORIZATION ACT OF 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the conference report to accompany H.R. 3539, the FAA reauthorization bill, which is an \$8 billion bill to keep the airports in this country operating and for airline safety, and that the reading of the conference report be waived.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. There is objection.

The clerk will read the report.

The legislative clerk read as follows:

The committee on conference—

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The clerk will read the report.

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

The PRESIDING OFFICER. The clerk will read the report.

Mr. KENNEDY. Is it appropriate to ask for a quorum?

The PRESIDING OFFICER. A quorum call is not in order.

Mr. KENNEDY. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Mr. KENNEDY. Is there a sufficient second? I appeal the ruling of the Chair. A quorum is always in order. The appeal has been heard, and we are