

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

entitled to have a quorum call at this time.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian, at this point the reading of the report is the regular order. That has been appealed. Are the yeas and nays requested—

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. On the appeal of the ruling of the Chair?

Mr. KENNEDY. Yeas and nays, Mr. President.

Mr. SARBANES. Parliamentary inquiry, Mr. President. What is the ruling of the Chair?

The PRESIDING OFFICER. The ruling of the Chair is that the reading of the report is the next regular order on the advice of the Parliamentarian.

Mr. SARBANES. Is the Chair ruling that the request for a quorum is not in order?

The PRESIDING OFFICER. At this point, that is the ruling of the Chair.

Mr. SARBANES. On what basis does the Chair make that ruling?

The PRESIDING OFFICER. On the advice of the Parliamentarian. If Senators look at page 476 of the Senate procedure:

The question of consideration cannot be raised until after the report has been read and the reading may not be interrupted even for a quorum call.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. The clerk has not commenced reading. It has not commenced.

The PRESIDING OFFICER. The regular order, I am advised, is for the clerk to begin reading the conference report. The Senator objected to the reading. The Senator has objected to the request of the majority leader, so that the reading will commence.

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

Mr. D'AMATO. There is no appeal.

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

The PRESIDING OFFICER. The Chair will deny appealing the ruling of the Chair under the most extreme circumstances. The Senator has asked to appeal the ruling of the Chair. It is the opinion of the Chair, the yeas and nays having been ordered, that the clerk will call the roll on the appeal of the ruling of the Chair.

The question is, shall the decision of the Chair stand?

Mr. BENNETT. Mr. President, parliamentary inquiry. Was there a sufficient second for the seeking of the yeas and nays?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The reading of the conference report should proceed. There should be no parliamentary inquiry or any other interruption except by unanimous consent.

The PRESIDING OFFICER. That is the opinion of the Chair, but the Chair

is also advised that except in very extraordinary circumstances the Senator is permitted to have an appeal of the ruling of the Chair. The Senator has asked for an appeal of the ruling of the Chair.

Is there a sufficient second?

Mr. KENNEDY. Sufficient second. Mr. President, I ask for the yeas and nays.

Mr. GRAMM. I don't think there is a sufficient second.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. It is not a debatable thing.

Is there a sufficient second? There is not a sufficient second.

Mr. GRAMM. Regular order.

The PRESIDING OFFICER. The clerk will read the report.

The question is on the appeal then. The Chair is not—

Mr. KENNEDY. The question is on the appeal. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Those supporting the ruling of the Chair will vote yea; those desiring to sustain the appeal will vote nay.

The appeal was rejected.

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

The PRESIDING OFFICER. The reading of the report is the next regular order. The clerk will read the report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

Mr. MCCAIN. I ask unanimous consent that further reading of the report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will read the report.

The legislative clerk continued with the reading of the conference report.

During the reading of the conference report, the following occurred:

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

Mr. FEINGOLD. Mr. President, I object.

Mr. KENNEDY. Mr. President, objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the reading of the report.

The legislative clerk continued with the reading of the conference report.

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

Mr. KENNEDY. I object.

The PRESIDING OFFICER. (Mr. KEMPTHORNE). Objection is heard.

The clerk will continue reading.

The legislative clerk continued with the reading of the conference report.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Objection.

Mr. MCCAIN. Reserving the right to object. I think that we should know what we are about here.

The PRESIDING OFFICER. Objection has been heard. The clerk will continue to read.

The legislative clerk continued with the reading of the conference report.

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

Mr. FEINGOLD. Objection. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The legislative clerk continued with the reading of the conference report.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the next title be considered as read.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

Mr. SANTORUM. I ask unanimous consent that the next page be considered as read.

Mr. FEINGOLD. I object.

Mr. SANTORUM. I ask unanimous consent that the next sentence be considered as read.

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH. Mr. President, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The legislative clerk continued with the reading of the conference report.

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

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. The objection is heard.

The clerk will continue to read.

The legislative clerk continued with the reading of the conference report.

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

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to report.

The bill clerk continued with the reading of the Conference Report.

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

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the report.

The bill clerk continued with the reading of the conference report.

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

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. The Senator from Iowa has objected.

The clerk will continue reading.

The bill clerk continued with the reading of the conference report.

Mr. LOTT. I ask unanimous consent that further reading be dispensed with, with the understanding that we have reached a unanimous-consent agreement we will enter into momentarily.

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

(The text of the conference report is printed in the House proceedings of the RECORD of September 26, 1996.)

Mr. LOTT. After discussions with the distinguished Democratic leader and the Senator from Massachusetts, I believe we have an agreement here that would be in the best interest of all concerned in how we dispose of this legislation.

I ask unanimous consent that the motion to proceed be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. The conference report is now before the Senate.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

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 the conference report to accompany H.R. 3539, The Federal Aviation Administration Reauthorization bill.

Trent Lott, Don Nickles, Strom Thurmond, Jon Kyl, Judd Gregg, Slade Gorton, Paul D. Coverdell, Frank H. Murkowski, Craig Thomas, Harry Reid, Wendell Ford, Conrad Burns, Kay Bailey Hutchison, John Breaux, Tom Daschle, Arlen Specter.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on cloture at 10 a.m. on Thursday, October 3, that there be 1 hour for debate to be equally divided between the two leaders prior to the cloture vote, a mandatory quorum under rule XXII be waived; I further ask unanimous consent that on Tuesday, October 1, there be 3 hours of debate, equally divided

between the two leaders, on the conference report and 3 hours equally divided in the same fashion on Wednesday, October 2, both days for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank all who have been involved in working out this agreement. I think it is in the best interest of the Senate. It is a fair way to deal with this important legislation that involves airport infrastructure and safety. This way, we will have ample time to have debate on Tuesday and Wednesday. We will get a vote on cloture on Thursday, and then we will be able to work toward a final vote, also on Thursday. So I thank the Senator.

Mr. STEVENS. If the leader will yield, I want to commend all Senators for this action and thank the leader for his determination, and the Democratic leader also for being patient and finding a way to bring this matter to a close.

Under the circumstances—and I have discussed this with the Parliamentarian—this means that we will vote before the week is out on the FAA bill. For that reason, I do withdraw all the objections that I filed to the matters pending. We have been waiting for some action to indicate we will vote on this bill this week.

Mr. LOTT. Mr. President, if I can, I will outline the closing script so all will be familiar with it.

When the Senate completes its business today, it will stand in adjournment until the hour of 9:30 a.m., October 1, and there will then be a period for the transaction of morning business not to extend beyond the hour of 12:30, with Senators permitted to speak therein for not more than 5 minutes each.

We will recess from 12:30 until 2:15 for the weekly party caucuses to meet. We will have the time agreed to, 90 minutes on each side, and the same will occur on Wednesday. We will go to votes on Thursday.

Mr. DASCHLE. If the majority leader will yield, I announce to our colleagues, just so there is no confusion, the Democratic caucus will not be meeting. It will just be the Republican caucus.

Mr. LOTT. Just before I yield the floor, I would like to make it official that we will have no further votes tonight. There could be votes on other issues tomorrow or the next day. We are still working very actively on the parks legislation. Perhaps there could be a vote on that on Tuesday or Wednesday.

Other than that, we don't anticipate any other votes. We need to make sure the Members are aware that there is that one possibility, at least.

At this point, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will look forward to further debate on this measure on tomorrow and Wednesday, prior to a vote on Thursday. But I just want to reiterate for the record what I stated and what I think represents the feeling of all those that are opposed to this special provision in the legislation.

We were quite prepared to move toward an amendment on the continuing resolution, to offer the FAA bill without this amendment and go into a 10-minute time limitation. I am convinced it would have passed. So I hope we are not going to hear a lot of statements on the floor that those that now are opposed to this particular proposal are not in favor of the FAA conference report. We very clearly were. We have indicated—those of us on our side—to our minority leader that we were prepared to offer an amendment and to move that amendment on the shortest possible time. And we would have concluded both the continuing resolution and this measure here and, hopefully, might have even finished up the parks legislation, so the Senate would have been out tonight.

The burden for the delay is not on those of us who have spotted this special interest legislation. It is on those who want to continue it in the legislation. That is why there is going to be continued debate on Wednesday and Thursday on the substance of that particular legislation. I look forward to that matter. I think it is extremely important that we understand the record completely, since we were not given an opportunity earlier in the evening during the various parliamentary situations, to understand that all of us who are opposed to this special interest legislation are committed toward the FAA conference report and were prepared to take action for that during the course of the afternoon, or even tomorrow or the next day, if it goes on through without that special provision.

The burden lies on those who want to retain that measure. I am going to reject, and I do reject the suggestion that somehow those that want to continue that special provision in here are more concerned about safety in the airports than those of us who are not. That legislation could pass tonight if they want to strike that provision. We could move toward an implementation on it.

So I hope we will have an opportunity to debate the real merits of the legislation. I look forward to that. During the measure, we will point out what happened on the 1995 conference between the House and the Senate, when the Senate report now reveals that it was the Senate conferees that advanced the position to eliminate this language. We heard a great deal earlier in the day about where did this idea come from. Well, we find out, in reading the report now, that it was advanced by our Senate conferees, and the final report was signed by the Senate conferees for the elimination of