

taking this extraordinary step to make certain this important legislation passes and goes to the President. As I said many times, this is probably the most important bill to my State that we have considered in this Congress.

As the Senator from Kentucky just stated, I believe that we are indebted to the Administrator of the FAA, David Hinson, for constant, tireless work on this matter.

As a result of what we are doing, I announce to the Senate, in my office right now are the safety people who are going to carry out this new law and try to find a way to reopen the airport at my capital city of Juneau. There are many other airports that are going to be open because of the action we have taken and, above all, Mr. President, I think we can say to the American people that the skies will be safer. There will be competent people in charge of disasters, should they, God forbid, occur again, and we will have a way to deal with people who are survivors of victims of air crashes in the manner that the coalition of survivors has recommended to the Congress.

This is responsive legislation, and it is responsible legislation. I am grateful to the two managers of the bill, my good friend from Arizona, Senator MCCAIN and Senator FORD and, of course, to the chairman, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their constant commitment to see to it that this Congress passes this landmark legislation for aviation.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCAIN. 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.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3539, the Federal Aviation Administration Reauthorization Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

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

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

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

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—92

Abraham	Ford	Mack
Akaka	Frahm	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Pryor
Burns	Hollings	Reid
Byrd	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Lautenberg	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	

NAYS—2

Simon Specter

NOT VOTING—6

Bond	Coats	Gregg
Campbell	Gramm	Leahy

The conference report was agreed to. Mr. LOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

THANKS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I thank the Presiding Officer [Mr. WARNER] for the way in which he has presided over the last couple of hours. It could have been a very tense time. He kept order and helped us to get through the very important final actions of the Senate.

THE FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION BILL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the three votes which we have had today, and to express my very deep concern about the precedents which the Senate has established in attaching to a conference report a highly controversial provision which was not subjected to hearings, or analysis, or the legislative process, and which was rammed through here today without real due process or a real legislative process.

What has happened here—this is somewhat esoteric for someone who may be watching on C-SPAN II—is that the Federal Aviation Administration bill was passed by the House and Senate, and then it went to conference. In the conference there was an addition of a provision to determine which Federal labor agency would have jurisdiction

over express companies. That provision was added into the conference report without having been considered by either the House or the Senate. It was not considered in hearings, it was not considered in debate, and it was not voted on, but it was in effect rammed through, and has become law because it was attached to a bill which has some \$8 billion of Federal airport expenditures—a matter of enormous importance for America generally, and a matter of enormous importance for my home State, Pennsylvania—which has so many airports involved with this necessary funding that comes out of the aviation trust fund.

It does not add to the deficit. It does not come out of general revenues. It is paid for out of an airport trust fund. But what we have done today, I would suggest, is a very, very serious perversion of Senate procedures. What can happen in the future is that under the overruling of the ruling of the Chair, any measure can be added in any conference report at any time, and if the conference report overall touches a subject of sufficient importance it will outweigh a provision which has been added without appropriate consideration.

I voted against cloture—that is, I voted against cutting off debate on the underlying bill—because it seemed to me that provision required analysis, consideration, and debate. It affects thousands of jobs in Pennsylvania because it could determine which agency will govern the issue of labor matters and labor certification, and which representation will be in effect.

It was represented that it was a mistake that it was left out before. I am skeptical about that, Mr. President because we have that representation made all the time. It was represented that it would only apply to one company. Well, that may be one company too many, if it is a bad provision not subjected to analysis, debate, nor hearings in our regular legislative process. But on the face of that provision, it is entirely likely and highly probable that the provision will apply to many companies. And, therefore, I voted against cutting off debate.

Then on the issue of overruling the Chair, the Chair ruled that this provision should not have been in the bill under Senate rules. The Senate overruled the Chair by a vote of 56 to 39. There is talk that we can change the rule. But any time we have set a precedent in this body on allowing an extraneous measure to come in on a conference report, that is a precedent of overwhelming importance. Any time 51 Members think that the matter is so important that it ought to be passed to disregard the rules and the procedure, there is a precedent which has been established.

It is very important to proceed in a principled way, and we have not done that here.

I feel so strongly about that, Mr. President, that I voted against the