

FEDERAL VACANCIES REFORM
ACT OF 1988—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under rule XXII, the clerk will now report the motion to invoke cloture on the motion to proceed to S. 2176.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision 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 S. 2176, the Vacancies Act:

Trent Lott, Strom Thurmond, Charles Grassley, Thad Cochran, Wayne Allard, Ben Nighthorse Campbell, Don Nickles, Orrin G. Hatch, Pat Roberts, Tim Hutchinson, Richard Shelby, Conrad Burns, Jim Inhofe, Connie Mack, Fred Thompson, Spencer Abraham, and Robert C. Byrd.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2176, the vacancy bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Illinois (Ms. MOSELEY-BRAUN), are absent on official business.

I also announce that the Senator from Minnesota (Mr. WELLSTONE) is attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "aye."

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—96

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Enzi	Levin	Wyden

NAYS—1

Durbin

NOT VOTING—3

Glenn

Moseley-Braun Wellstone

The PRESIDING OFFICER (Mr. SANTORUM). On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. I ask unanimous consent that notwithstanding rule XXII, the Senate immediately proceed to the order with respect to the Inhofe amendment.

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

Mr. LOTT. For the information, then, of all Senators, another vote will occur in approximately 10 minutes relative to the Inhofe amendment which is pending to the FAA reauthorization bill, and after that vote we will announce what the process will be thereafter.

WENDELL H. FORD NATIONAL AIR
TRANSPORTATION SYSTEM IM-
PROVEMENT ACT OF 1998

The PRESIDING OFFICER. The Senate will proceed to S. 2279 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2279) to amend title 49, United States Code, to authorize programs of the Federal Aviation Administration for fiscal years 1999, 2000, 2001 and 2002, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Inhofe amendment No. 3620, to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code.

AMENDMENT NO. 3620

The PRESIDING OFFICER. The Senate will come to order.

There are 10 minutes equally divided on the Inhofe amendment. Who yields time?

Mr. MCCAIN. Mr. President, I ask unanimous consent that because of his eloquence, the Senator from Oklahoma be allowed 7 minutes and I will take 3 minutes.

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

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, there is a process that is used by the FAA which is known as the emergency revocation process. This process will allow an inspector in the event of an alleged violation by a licensed pilot to take away the pilot's certificate. He would take away the certificate under the emergency revocation clause declaring that an emergency exists.

The problem with this is that many times when you have an inspector do

this, or an examiner take away a certificate, there is not even an emergency nature to the revocation. Consequently, we have many, many cases where the individuals have been abused.

I would like to suggest that Ted Stewart, who is an American Airlines pilot, has been a pilot for over 12 years and presently flying Boeing 767s. In May of 1995, there was an emergency revocation. He was not guilty of anything. There was not an emergency attached to this. There was never any hazard to anyone's health or safety.

However, it was 2 months until he was able to get his certificate back. Then an examiner went back to him in June of 1996 and again revoked his certificate under the emergency revocation. Consequently, for another 2 months he was unable to earn a living. Fortunately, he worked for American Airlines; they were good enough to keep his paychecks coming, but in many cases that is not the case.

I happen to be a very close friend of a man named Bob Hoover. I think most of you can remember who Bob Hoover is. He is considered to be the best performer in the circuit of airshows. In fact, I have flown airshows with him. In 1992—and I was there at the time—an inspector came in, an examiner for the FAA, and said to him, We think you have a problem. We think perhaps there is a mental problem or something—they didn't really define it—and they revoked his certificate. It wasn't for another 4 years he was able to get his certificate back. In the meantime, he was flying his airshows but outside the United States.

Now, very simply, what my amendment does is set up a process whereby if you lose your certificate, you have 48 hours to take it to the NTSB and let the NTSB make a determination as to whether or not there is any kind of an emergency nature to the revocation. After they have looked this over and decided there is no emergency involved to the nature of the revocation, then at the end of 7 days the pilot will get his certificate back. If there is, then he would not get it back. They can go ahead then and go through the normal adjudication of the violation.

This is something that has been going on for quite some time. We have been concerned about reforming this process. This is a compromise, because this makes it very clear if there is any hazard out there, if there is any risk to anyone's safety, the flying public or the pilot himself, the pilot is not going to be able to fly. It is as simple as that.

A lot of people say that there are only 300 emergency revocations a year. Therefore, it is not really a problem; it doesn't really affect that many people. I suggest to you that if you take 300 people, there might be 20 or 30 of those who make their living flying airplanes for American Airlines or one of the other airlines, in which case that takes them out of their occupation.

The other problem we have is there are 650,000 pilots right now licensed in