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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, our prayer is like breathing. We breathe in Your Spirit and breathe out praise to You. Help us to take a deep breath of Your love, peace, and joy so that we will be refreshed and ready for the day. Throughout the day, if we grow weary, give us a runner's second wind of renewed strength. What oxygen is to the lungs, Your Spirit is to our souls.

Grant the Senators the rhythm of receiving Your Spirit and leading with supernatural wisdom. In this quiet moment, we join with them in asking You to match the inflow of Your power with the outflow of energy for the pressures of the day. So much depends on inspired leadership from the Senators at this strategic time. Grant each one what he or she needs to serve courageously today. Thank You for a great day lived for Your glory. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

SCHEDULE

Mr. MCCAIN. Mr. President, today the Senate will resume consideration of the pending amendments to the FAA bill. Senators should be aware that rollcall votes are possible today prior to the 12:30 recess in an attempt to complete action on the bill by the end of the day. As a reminder, first-degree amendments to the bill must be filed by 10 a.m. today. As a further reminder, debate on three judicial nominations took place last night and by previous consent there will be three stacked votes on those nominations at 2:15 p.m. today. Following the completion of the FAA bill, the Senate will resume consideration of the Labor-HHS appropriations bill.

I thank my colleagues for their attention.

AIR TRANSPORTATION IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the pending amendments to the FAA bill.

Pending:

Gorton Amendment No. 1892, to consolidate and revise provisions relating to slot rules for certain airports.

Gorton (for Rockefeller/Gorton) Amendment No. 1893, to improve the efficiency of the air traffic control system.

Baucus Amendment No. 1898, to require the reporting of the reasons for delays or cancellations in air flights.

Mr. MCCAIN. Mr. President, I am sorry that I was not here yesterday when the debate began. Nevertheless, I rise in support of S. 82, the Air Transportation Improvement Act. As everyone should be aware, this is ''must-pass'' legislation that includes numerous provisions to maintain and improve the safety, security and capacity of our nation's airports and airways. Furthermore, this bill would make great strides in enhancing competition in the airline industry.

If Congress does not reauthorize the Airport Improvement Program (AIP), the Federal Aviation Administration (FAA) will be prohibited from issuing much needed grants to airports in every state, regardless of whether or not funds have been appropriated. We have now entered fiscal year 2000, and we cannot put off reauthorization of the AIP. The program lapsed as of last Friday. Every day that goes by without an AIP authorization is another day that important projects cannot move ahead.

If we fail to reauthorize this program, we may do significant harm to the transportation infrastructure of our country. AIP grants play a critical part of airport development. Without these grants, important safety, security, and capacity projects will be put at risk throughout the country. The types of safety projects that airports use AIP grants to fund include instrument landing systems, runway lighting, and extensions of runway safety areas.

But the bill does more than provide money. It also takes specific, proactive steps to improve aviation safety. For example, S. 82 would require that cargo aircraft be equipped with instruments that warn of impending midair collisions. Passenger aircraft are already equipped with collision avoidance equipment, which gives pilots ample time to make evasive maneuvers. The need for these devices was highlighted a few months ago by a near-collision between two cargo aircraft over Kansas. Unfortunately, that was not an isolated incident.

On the aviation safety front, the bill also: provides explicit AIP funding eligibility for the installation of integrated inpavement lighting systems, and other runway incursion prevention devices, requires more types of fixed-wing aircraft in air commerce to be equipped with emergency locator transmitters by 2002, provides broader authority to the FAA to determine what circumstances warrant a criminal

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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history record check for persons performing security screening of passengers and cargo, reauthorizes the aviation insurance program, also known as war risk insurance. This program provides insurance for commercial aircraft that are operating in high risk areas, such as countries at war or on the verge of war. Commercial insurers usually will not provide coverage for such operations, which are often required to advance U.S. foreign policy or to support our overseas national security operations. The program expired on August 6, 1999, and cannot be extended without this authorization, gives the FAA the authority to fine unruly airline passengers who interfere with the operation or safety of a civil flight, up to $10,000 per violation, authorizes $450,000 to address the problem of bird ingestions into aircraft engines, authorizes $9.1 million over three years for a safety and security management program to provide training for aviation safety personnel. The program would concentrate on personnel from countries that are not in compliance with international safety standards, authorizes at least $30 million annually for the FAA to purchase precision instrument landing systems (ILS) through its ILS inventory program, authorizes at least $5 million for the FAA to carry out at least one project to test and evaluate innovative airport security systems and related technologies, including explosive detection systems in an airport environment, requires the FAA to maintain human weather observers to augment the services provided by the Automated Surface Observation System (ASOS) weather stations, at least until the FAA certifies that the automated systems provide consistent reporting of changing meteorological conditions, allows the FAA to continue and expand its successful program of establishing consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety, requires that individuals be fined or imprisoned when they knowingly pilot a commercial aircraft without a valid FAA certificate, requires the FAA to consider the need for (1) improving runway safety areas, which are essentially runway extensions that provide a landing cushion beyond the ends of runways; (2) requiring the installation of precision approach path indicators, which are visual vertical guidance landing systems for runways, prohibits any company or employee that is convicted of an offense involving counterfeit aviation parts from keeping or obtaining an FAA certificate. Air carriers, repair stations, manufacturers, and any other FAA certificate holders would be prohibited from employing anyone convicted of an offense involving counterfeit parts.

This bill requires the FAA to accelerate a rulemaking on Flight Operations Quality Assurance. FOQA is a program under which airlines and their crews share operational information, including data captured by flight data recorders. Information about errors is shared to focus on situations in which hardware, air traffic control procedures, or company practices create hazardous situations.

It requires the FAA to study and promote improved training in the human factors arena, including the development of specific training curricula.

It provides FAA whistleblowers who uncover safety risks with the ability to seek redress if they are subject to retaliation for their actions.

The legislation provides employees of airlines, and employees of airline contractors and subcontractors, with statutory whistleblower protections to facilitate their providing air safety information.

These provisions will be critical in the continuing effort to enhance safety and reduce the accident rate.

Of all the bills that the Senate may consider this year, the Air Transportation Improvement Act should be easy. This bill is substantially the same as the Wendell H. Ford National Air Transportation System Improvement Act, which this body approved last September by a vote of 92–1. If anything, this bill is better than last year's. There is no rational reason why we can't take care of this quickly.

Because S. 82 is so similar to last year's FAA reauthorization bill, I will skip a lengthy description of every provision, particularly those that have not changed. Nevertheless, I do want to remind my colleagues of a few key items in this legislation and describe what has changed since last year.

The manager's amendment to this bill, which is in the nature of a substitute, has at least three critical parts that are worth highlighting. First and foremost, S. 82 reauthorizes the FAA and the AIP through fiscal year 2002. Second, the bill contains essential provisions to promote a competitive aviation industry. Third, it will protect the environment in our national parks by establishing a system for the management of commercial air tour overflights. With the help of my colleagues, I have worked long and hard on all of these issues.

The provisions in S. 82 that have generated the most discussion are the airline competition provisions. As I have said many times, the purpose of these provisions is to complete the deregulation of our domestic aviation system for the benefit of consumers and communities everywhere. According to the General Accounting Office, there still exist significant barriers to competition at several important airports in this country. These barriers include slot controls at Chicago O'Hare, Reagan National, and LaGuardia and Kennedy in New York, and the Federal perimeter rule at Reagan National.

In a recent study, the GAO found that the established airlines have expanded their slot holdings a the four-slot constrained airports, while the share held by startup airlines remains low. Airfares at these airports continue to be consistently higher than other airports of comparable size.

It does not take a trained economist to figure that out. If you restrict the number of flights, then obviously the cost of those flights will go up.

Additionally, the federal permimeter rule continues to prevent airlines based outside the perimeter from gaining competitive access to Reagan National.

This GAO report reinforces my view that the perimeter rule is a restrictive and anti-competitive Federal regulation that prohibits airlines from flying the routes sought by their customers. According to testimony presented to the Commerce Committee by the Department of Transportation, the perimeter rule is not needed for safety or operational reasons. For that matter, neither are slot controls. Therefore, these restrictions simply are not warranted.

So long as the Federal Government maintains outdated unneeded restrictions, which favor established airlines over new entrants, deregulation will not be complete. Slot controls and the perimeter rule are Federal interference with the market's ability to reflect consumer preferences. We should not be in the position of choosing sides in the marketplace.

With respect to Reagan National, I would like to make one final point. Just last month, the GAO came out with another study confirming that the airport is fully capable of handling more flights without compromising safety or creating significant aircraft delays. The GAO also found that the proposal in this bill pertaining to perimeter rule would not significantly harm any of the other airports in this region. I believe the GAO's findings demonstrated that there are no credible arguments against the modest changes proposed in this bill.

Although the reported version of S. 82 increased the number of new opportunities for service to Reagan National compared to last year's bill, an amendment that will be offered by Senators GORTON and ROCKEFELLER will bring the total number of slot exemptions back to the level approved by the Senate last year. It is sadly ironic that an airport named for President Reagan, who stood for free markets and deregulation, will continue to be burdened with two forms of economic regulation—slots and a perimeter rule. But some loosening of these unfair restrictions is better than the status quo, and so I will not oppose the amendment.

Fortunately, the competition-related amendment being offered by Senator GORTON and others includes several significant improvements to the reported bill. Most notably, the slot controls at O'Hare, Kennedy, and LaGuardia airports will eventually be eliminated. This is a remarkable win for consumers and a change that I endorse wholeheartedly. Furthermore, before the slot controls are lifted entirely, regional jets, and new entrant air carriers will

have more opportunities to serve these airports. The typically low cost, low fare new entrants will bring competition to these restricted markets, which will result in lower fares for travelers. Travelers from small communities will benefit from increased access to these crucial markets.

I am not alone in believing that the competition provisions in the bill are a big step forward for all Americans. Support for these competition-enhancing provisions is strong and widespread. I have heard from organizations as diverse as the Western Governor's Association of Attorneys General, the Des Monies International Airport, and Midwest Express Airlines. All of them support one or more of the provisions that loosen or eliminate slot and perimeter rule restrictions.

But it was a letter from just an average citizen in Alexandria, VA that caught my attention. He said that he feels victimized by the artificial restrictions placed on flights from Reagan National. His young family is living on one paycheck. He says that his family budget does not allow them the luxury of using Reagan National, which is less than ten minutes from his home. To him, using Reagan National seems to be ''a privilege reserved for the wealthy and those on expense accounts.'' For the sake of his privacy I will not mention his name, but this is precisely the type of person who deserves the benefits of more competition at restricted airports like Reagan National.

In summary, this bill represents two years of work on a comprehensive package to promote aviation safety, airport and air traffic control infrastructure investment, and enhanced competition in the airline industry. Our air transportation system is essential to the Nation's well being. We must not neglect its pressing needs. If we fail to act, the FAA will be prevented from addressing vital security and safety needs in every State in the Union. I urge all of my colleagues to support swift passage of this legislation.

I thank Senator HOLLINGS and his staff, Senator ROCKEFELLER, Senator GORTON, and all members of the Commerce Committee who have taken a very active role in putting this legislation together. It is a significantly large piece of legislation reflecting a great deal of complexities associated with aviation and the importance of it.

Approximately a year ago, a commission that was mandated to be convened by legislation reported to the Congress and the American people. Their findings and recommendations were very disturbing. In summary, these very qualified individuals reported that unless we rapidly expand our aviation capability in America, every day, in every major airport in America, is going to be similar to the day before Thanksgiving. I do not know how many of my colleagues have had the opportunity of being in a major airport on the busiest day of the year in America. It is not a lot of fun.

I do a lot of flying, a great deal of flying this year, more than I have in previous years. I see the increase in delays, especially along the east coast corridor. I have seen when there is a little bit of bad weather our air traffic control system becomes gridlocked and hours and hours of delay ensue. These delays are well documented.

The committee is going to have to look at what we have done in the air traffic control system modernization area. We are going to have to look at what they have not done. There are a number of recommendations, some of which we have acted on in this committee, some of which we have not. But if we do not pass this legislation, then how can we move forward in aviation in this country?

I believe any objective economist will assure all of us that deregulation has led to increased competition and lower fares. But some of that trend has leveled off of late because of a lack of competition, because of a lack of ability to enter the aviation industry.

This is disturbing to me because the one thing, it seems to me, we owe Americans is an affordable way of getting from one place to another; and more and more Americans, obviously, are making use of the airlines.

I can give you a lot of anecdotal stories about what the effective competition is. For example, at Raleigh-Durham Airport, when it was announced that a new, low-cost airline was going to be operating out of that airport, the day after the announcement, long before the airline started its competition, the average fares dropped by 25 percent—a 25-percent drop in average airfares.

We have to do whatever we can to encourage the ability of new entrants to come into the aviation business. My greatest disappointment in deregulation of the airlines is that the phenomenon which was generated initially has not remained nearly at the level we would like to see it.

There are problems many of my colleagues, including the Senator from West Virginia, have talked about at length—of rural areas not being able to have just minimal air services. That is why we are dramatically increasing the essential air service authorization, so that more rural areas can achieve it.

I also think it is very clear the air traffic control system is lagging far behind. I think there is no doubt that we have had problems with passengers receiving fundamental courtesies and rights which they deserve. That is why there has been so much attention generated concerning the need for some fundamental, basic rights that passengers should have and receive from the airlines. For example, the debacle of last Christmas at Detroit should never be repeated in America, what airline passengers were subjected to on that unhappy occasion. Yes, it was generated by bad weather, but, no, there was no excuse for the treatment many of those airline passengers received on that day and other passengers have received in other airports around the country, only the examples were not as egregious, nor did they get the widespread publicity.

If you believe, as I do, if we continue the economic prosperity that we have been enjoying in this country, we will continue to see a dramatic and very significant increase in the use of the airlines by American citizens, we have major challenges ahead.

I do not pretend that this legislation addresses all of those challenges, but I do assert, unequivocally, that if we pass this legislation, pass it through the body, get it to conference, and get it out, we will make some significant steps forward, including in the vital area of aviation safety.

I again thank Senator GORTON and Senator ROCKEFELLER for all their hard work on this issue. I remind my colleagues that in about 5 minutes, according to the unanimous consent agreement, all relevant amendments should be filed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding the 10 a.m. filing requirement, it be in order for a managers' amendment and, further, the majority and minority leaders be allowed to offer one amendment each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Baucus amendment No. 1898.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I be permitted to call up an amendment that I have at the desk.

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

AMENDMENT NO. 1907

(Purpose: To establish a commission to study the impact of deregulation of the airline industry on small town America)

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. BURNS, Mr. BAUCUS, Mr. ROBB, Mr. HOLLINGS, Mr. ROCKEFELLER, and Mr. HARKIN, proposes an amendment numbered 1907.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. ___01. AIRLINE DEREGULATION STUDY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, 3 upon the recommendation of the Majority Leader, and 2 upon the recommendation of the Minority Leader of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, 3 upon the Speaker's own initiative, and 2 upon the recommendation of the Minority Leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms 'air carrier' and 'air transportation' have the meanings given those terms in section 40102(a).

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission shall consult with the Comptroller General of the United States and may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $950,000 for fiscal year 2000 to the Commission to carry out this section.

(2) AVAILABILITY.—Any sums appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Ms. COLLINS. Mr. President, I rise today to offer an amendment to the FAA reauthorization bill to establish an independent commission to thoroughly examine the impact of airline deregulation on smalltown America. I am very pleased to be joined in this effort by several cosponsors, including Senators ROCKEFELLER, BURNS, BAUCUS, ROBB, HOLLINGS, and HARKIN.

This amendment is modeled after a bill I recently introduced that would authorize a study into how airline deregulation has affected the economic development of smaller towns in America, the quality and availability of air transportation, particularly in rural areas of this country, and the long-term viability of local airports in smaller communities and rural areas.

For far too long, small communities throughout this Nation, from Bangor, ME, to Billings, MT, to Bristol, TN, have weathered the effects of airline deregulation without adequately assessing how deregulation has affected their economic development, their ability to create and attract new jobs, the quality and availability of air transportation for their residents, and the long-term viability of their local airports. It is time to evaluate the effects of airline deregulation from this new perspective by looking at how it has affected the economies in small towns and rural America.

Bangor, ME, where I live, is an excellent example of how airline deregulation can cause real problems for a smaller community. Bangor recently learned it was going to lose the services of Continental Express. This follows a pullout by Delta Airlines last year. It has been very difficult for Bangor to provide the kind of quality air

service that is so important in trying to attract new businesses to locate in the area as well as to encourage businesses to expand.

Nowadays, businesses expect to have convenient, accessible, and affordable air service. It is very important to their ability to do business. Although there have been several studies on the impact of airline deregulation, they have all focused on some aspects of air service itself. For example, there have been GAO studies that have looked at the impact on airline prices.

Not one study I am aware of has actually analyzed the impact of airline deregulation on economic development and job creation in rural States. Indeed, we have spoken to the GAO and the Department of Transportation, and they are not aware of a single study that has taken the kind of comprehensive approach I am proposing. Moreover, one GAO official told my staff he thought such a study was long overdue. We need to know more about how airline deregulation has affected smaller and medium-sized communities such as Presque Isle, ME, and Bangor, ME. We need to focus on the relationship between access to affordable, quality airline service and the economic development of America's smaller towns and cities.

During the past 20 years, air travel has become increasingly linked to business development. Successful businesses expect and need their personnel to travel quickly over long distances. It is expected that a region being considered for business location or expansion should be reachable conveniently, quickly, and easily via jet service. Those areas without air access or with access that is restricted by prohibitive travel costs, infrequent flights, or small, slow planes appear to be at a distinct disadvantage compared to those communities that enjoy accessible, convenient, and economic air service.

This country's air infrastructure has grown to the point where it now rivals our ground transportation infrastructure in its importance to the economic vibrancy and vitality of our communities. It has long been accepted that building a highway creates an almost instant corridor of economic activity for businesses eager to cut shipping and transportation costs by locating close to the stream of commerce.

Like a community located on an interstate versus one that is reachable only by back roads, a community with a midsize or small airport underserved by air carriers appears to be operating at a disadvantage to one located near a large airport. What this proposal would do is allow us to take a close look at the relationship between quality air service and the communities it serves.

Bob Ziegelaar, director of the Bangor International Airport, perhaps put it best. He tells me: Communities such as Bangor are at risk of being left behind with service levels below what the market warrants, both in terms of capacity and quality. The follow-on consequences are a decreasing capacity to attract economic growth.

He sums it up well. A region's ability to attract and keep good jobs is inextricably linked to its transportation system. Twenty-one years after Congress deregulated the airline industry, it is important that we now look and assess the long-term impacts of our actions. The commission established by my amendment will ensure that Congress, small communities, and the airlines are able to make future decisions on airline issues fully aware of the concerns and the needs of smalltown America.

Mr. President, I thank the chairman of the committee and the ranking minority members of both the subcommittee and the full committee for their assistance in shaping this amendment. I look forward to working with them. I know they share my concerns about providing quality, accessible air service to all parts of America. I thank them for their cooperation in this effort and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, obviously, this Senator from West Virginia is already a cosponsor of the amendment. There are very few people who would know the situation in this amendment as well as the Senator from Maine. Her State, as many rural States, has had a major reaction to deregulation. Economic development is always the first thing on the minds of States that are trying to grow and attract their population back. This is simply asking for a commission to study the effects of deregulation on economic development. I think it is very sensible. I think it highlights a real agony for a lot of States. It is highly acceptable on this side.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also thank the Senator from Maine. I do understand there have been some very negative impacts on Bangor and other parts of the State of Maine associated with airline deregulation. It needs to be studied. We need to find out how we can do a better job, as I said in my earlier remarks, allowing smaller and medium-sized markets to receive the air service they deserve which has such a dramatic impact on their economies.

I thank the Senator from Maine for her amendment. Both sides are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1907.

The amendment (No. 1907) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NOS. 1948 AND 1949, EN BLOC

Mr. MCCAIN. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 1948 and 1949, en bloc.

The amendments are as follows:

AMENDMENT NO. 1948

(Purpose: To prohibit discrimination in the use of Private Airports)

At the appropriate place insert the following:

SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.

(a) PROHIBITING DISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.—Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

"§ 40123. Nondiscrimination in the Use of Private Airports

"(a) IN GENERAL.—Notwithstanding any other provision of law, no state, county, city or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.

AMENDMENT NO. 1949

(Purpose: To amend section 49106(c)(6) of title 49, United States Code, to remove a limitation on certain funding)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Metropolitan Airports Authority Improvement Act".

SEC. 2. REMOVAL OF LIMITATION.

Section 49106(c)(6) of title 49, United States Code, is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

Mr. MCCAIN. Mr. President, these two amendments, along with amendment No. 1893, which was previously offered, have been accepted on both sides. There is no further debate on the amendments, and I ask for their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1948, 1949, and 1893) were agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, it is my understanding that there is now some 304 amendments that are germane that have been filed by the Senator from Illinois. Obviously, that is his right under the rules of the Senate.

I would like for the Senator from Illinois to understand what he is doing. This is a very important piece of legislation. It has a lot to do with safety. The Senator from Illinois should know that. He is jeopardizing, literally, the safety of airline passengers across this country, perhaps throughout the world.

I will relate to the Senator what he is doing. Before I do, I think he should know there are strong objections by the Senators from Virginia, the Senators from New York, and the Senators from Maryland, concerning this whole issue of slots and the perimeter rule—but particularly slots. We have been able to work with the Senators from these other States that are equally affected. It is very unfortunate that the Senator from Illinois cannot sit down and work out something that would be agreeable.

I want to tell the Senator from Illinois, again, this is very serious business we are talking about. We are talking about aviation safety. This is the reauthorization of the Aviation Improvement Program. It requires fixed-wing aircraft in air commerce to be equipped with emergency locator transmitters; it provides broader authority to the FAA to determine what circumstances warrant a criminal history record check for persons performing security screening of passengers and cargo; it extends the authorization for the Aviation Insurance Program, also known as war risk insurance, through 2003; it requires all large cargo aircraft to be equipped with collision avoidance equipment by the end of 2002; it gives FAA the authority to fine unruly airline passengers who interfere with the operation or safety of a civil flight, up to $10,000 per violation; it authorizes $450,000 to address the problem of bird ingestions into aircraft engines; it authorizes $9.1 million over 3 years for a safety and security management program to provide training for aviation safety personnel.

Mr. President, I have three pages. I ask unanimous consent that it be printed in the RECORD.

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

Safety-related Provisions in S. 82, Air Transportation Improvement Act

Extends the contract authority through fiscal year 2000 for Airport Improvement Programs (AID) grants. Federal airport grants lapsed on August 6, 1999, because the contract authority had not been extended. Authorizes a $2.475 billion AID program in fiscal year 2000. (Sec. 103)

Provides explicit AIP funding eligibility for the installation of integrated in-pavement lighting systems, and other runway incursion prevention devices. (Sec. 205)

Requires nearly all fixed-wing aircraft in air commerce, to be equipped with emergency locator transmitters by 2002. (Sec. 404)

Provides broader authority to the FAA to determine what circumstances warrant a criminal history record check for persons performing security screening of passengers and cargo. (Sec. 306)

Extends the authorization for the aviation insurance programs (also known as war risk insurance) through 2003. The program provides insurance for commercial aircraft that are operating in high risk areas, such as countries at war or on the verge of war. Commercial insurers usually will not provide coverage for such operations, which are often required to advance U.S. foreign policy or the country's national security policy. The program expired on August 6, 1999, and cannot be extended without this authorization in place. (Sec. 307)

Requires all large cargo aircraft to be equipped with collision avoidance equipment by the end of 2002. (Sec. 402)

Gives the FAA the authority to fine unruly airline passengers who interfere with the operation or safety of a civil flight, up to $10,000 per violation. (Sec. 406)

Authorizes $450,000 to address the problem of bird ingestions into aircraft engines. (Sec. 101)

Authorizes $9.1 million over three years for a safety and security management program to provide training for aviation safety personnel. The program would concentrate on personnel from countries that are not in compliance with international safety standards. (Sec. 101)

Authorizes at least $30 million annually for the FAA to purchase precision instrument landing systems (ILS) through its ILS inventory program. (Sec. 102)

Authorizes at least $5 million for the FAA to carry out at least one project to test and evaluate innovative airport security systems and related technologies, including explosive detection systems in an airport environment (Sec. 105)

Requires the FAA to maintain human weather observers to augment the services provided by the Automated Surface Observation System (ASOS) weather stations, at least until the FAA certifies that the automated systems provide consistent reporting of changing meteorological conditions. (Sec. 106)

Allows the FAA to continue and expand its successful program of establishing consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety. (Sec. 303)

Requires the imprisonment (up to three years) or imposition of a fine upon any individual who knowingly serves as an airman without an airman's certificate from the FAA. The same penalties would apply to anyone who employs an individual as an airman who does not have the applicable airman's certificate. The maximum term of imprisonment increases to five years if the violation is related to the transportation of a controlled substance. (Sec. 309)

Requires the FAA to consider the need for (1) improving runway safety areas, which are essentially runway extensions that provide a landing cushion beyond the ends of runways at certificated airports; (2) requiring the installation of precision approach path indicators (PAPI), which are visual vertical guidance landing systems for runways. (Sec. 403)

Prohibits any company or employee that is convicted of installing, producing, repairing or selling counterfeit aviation parts from keeping or obtaining an FAA certificate. Air carriers, repair stations, manufacturers, and any other FAA certificate holders would be prohibited from employing anyone convicted of an offense involving counterfeit parts. (Sec. 405)

Requires the FAA to accelerate a rulemaking on Flight Operations Quality Assurance (FOQA). FOQA is a program under which airlines and their crews share operational information, including data captured by flight data recorders. Sanitized information about crew errors is shared, to focus on situations in which hardware, air traffic control procedures, or company practices create hazardous situations. (Sec. 409)

Requires the FAA to study and promote improved training in the human factors arena, including the development of specific training curricula. (Sec. 413)

Provides FAA whistleblowers who uncover safety risks with the ability to seek redress if they are subject to retaliation for their actions. (Sec. 415)

Provides employees of airlines, and employees of airline contractors and subcontractors, with statutory whistleblower protections to facilitate their providing air safety information. (Sec. 419)

Mr. MCCAIN. Mr. President, I won't go through them all. This is a very important bill. In this very contentious and difficult time concerning balanced budgets and funding for other institutions of Government, this authorization bill has been brought up by the majority leader, not by me. I hope it is fully recognized. I repeat, the Senators from Virginia, Senator WARNER and Senator ROBB, Senator MIKULSKI, Senator SARBANES, Senator DURBIN, and Senator FITZGERALD's predecessor, all worked together on this issue. We need to work this out and we need to have this authorization complete. I hope we can get that done as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that John Fisher of the Congressional Research Service be granted the privilege of the floor during the Senate's consideration of S. 82.

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

Mr. FITZGERALD. Mr. President, in response to the distinguished Senator from Arizona, I would be delighted to work with him as best I can. I am sorry we have missed each other in recent days. Obviously, he has dual responsibilities now as a candidate for President of the United States. I would certainly like to continue negotiations with him. I do believe——

Mr. MCCAIN. If the Senator will yield, he knows full well that for the last several months—in fact, ever since he came to this body—the Senator and I have been discussing this issue. It has nothing to do with any Presidential campaign or anything else. The Senator should know that and correct the record.

Mr. FITZGERALD. Well, I understand the last time we talked, I thought the Senator was working to address my concerns. In fact, I didn't realize he supported lifting the high density rule altogether. I guess that is what has taken me by surprise. Senator Moseley-Braun, my predecessor, and Senator DURBIN urged your support to limit the increased exceptions for slot restrictions at O'Hare from 100 down to 30. You had supported that in your original bill which had that 30 figure. You and I had been having discussions with respect to that.

This year, the amendment by Senator GORTON and Senator ROCKEFELLER is what has given me pause because, obviously, that would be going in a different direction than the limitations that were worked out with you, Senator DURBIN, and former Senator Moseley-Braun last year in what was reflected as the original version of S. 82.

Mr. MCCAIN. If the Senator will yield, the fact is, the Senator has been involved in discussions in the Cloakroom, on the floor, in my office, and other places on this issue. If we don't agree, that is one thing, but to say somehow that my attention has been diverted is an inaccurate depiction of the situation.

Mr. FITZGERALD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, since we are on the FAA bill this morning, I will take a few minutes to discuss the issue of airline passenger rights.

In the face of a wave of consumer complaints which are running at twice the number this time last year, the airline industry has proposed a Customer First program. I will take a few minutes this morning to ensure the Senate understands what this program is all about. After the industry released its voluntary proposal, I asked the General Accounting Office and the Congressional Search Service to analyze what the industry had actually proposed. In summary, these two reports—the one done by the General Accounting Office and the one done by the Congressional Research Service—demonstrates, unfortunately, when it comes to the industry's plan to protect passenger rights, there is no ''There there.''

These two reports found the airline industry's proposal puts passenger rights into three categories: first, rights that passengers already have, as in the rights of the disabled; second, rights that have no teeth in them because they are not written into the contracts of carriage between the passenger and the airline; third, rights that are ignored altogether, such as the right to full information on overbooking and ensuring that passengers can find out about the lowest possible fare.

Specifically, I asked the General Accounting Office to compare the voluntary pledges made by the airline industry to the hidden but actually binding contractual rights airline passengers have that are written into something known as a contract of carriage. The Congressional Research Service pointed out:

> . . .front line airline staff seem uncertain as to what contracts of carriage are.

The Congressional Research Service found that:

> . . . even if the consumer knows they have a right to the information, they must accurately identify the relevant provisions of the contract of carriage or take home the address or phone number, if available, of the airline's consumer affairs department, send for it and wait for the contract of carriage to arrive in the mail.

As the Congressional Research Service states with their unusual tact and diplomacy:

> . . . the airlines do not appear to go out of their way to provide easy access to contract of carriage information.

I want the Senate to know the current status of passenger rights so we can begin to strengthen the hand of passengers at a time when we have a record number of consumer complaints.

Two weeks ago, the Senate began the task of trying to empower the passengers with the Transportation appropriations bill. In that legislation, we directed the Department of Transportation inspector general to investigate unfair and deceptive practices in the airline industry. The Department of Transportation inspector general does not currently conduct these investigations so we added the mandatory binding consumer protection language in the Transportation appropriations bill to ensure the Transportation inspector general would have exactly the same authority to investigate these consumer protection issues that I proposed in the airline passenger bill of rights early this session.

On this FAA bill, I am proposing another step to help passengers. The purpose of the amendment I offer is to make sure customers can find out whether the airlines are actually living up to their voluntary commitments by beginning to write them into the contracts of carriage—the binding agreement between the passenger and the airline.

This is what the law division of the Congressional Research Service had to say on that point:

> It would appear that the voluntary aviation industry standards would probably not have the same level of contractual enforceability that the provisions of the ''contract of carriage'' has. Under basic American contract law, the airlines offer certain terms and service under these ''contracts of carriage'' and the consumer accepts this offer and relies on the terms of the contract when he or she buys a ticket. The voluntary industry standards are not the basis of the contract and may lack the enforceability that the conditions of the ''contract of carriage'' may possess.

What especially troubles me is that the airlines are clearly dragging their feet on actually writing these consumer protection provisions in any kind of meaningful fashion.

In fact, one of the proposals I saw from American Airlines stipulates specifically that their pledges to the consumer are not enforceable, that they are not going to be in the contracts of carriers.

Under my amendment on this FAA bill, the Department of Transportation inspector general is going to investigate whether an airline means what it says, whether it is actually moving to put these various nice-sounding, voluntary proposals into meaningful language. I am very hopeful that as a result of this amendment, we are going to know the truth about actually what kind of consumer protection proposals are in the airline industry's package.

This amendment has been shared with the ranking minority member of the committee and the ranking minority member of the subcommittee, and I have talked about it with the chairman of the full committee, Senator MCCAIN. Also, it has been shared with the chairman of the subcommittee.

There are many things in this good bill with which I agree. I am especially pleased, with Senator ROCKEFELLER, Senator MCCAIN, and Senator GORTON, we are taking steps to improve competition. I am very pleased, for example, we are doing more for small and medium-size markets. These are very sensible proposals.

My concern is that together and on a bipartisan basis, we need to persuade the airline industry to put just a small fraction of the ingenuity and expertise they have that has produced one of the world's truly extraordinary safety records—the airline industry's safety record is extraordinary, and I simply want to see them put the ingenuity and expertise they have into trying to ensure that passengers get a fair shake as well.

It is not right at a time like this, particularly when many of the airlines are making such significant profits, to leave airline service for the passengers out on the runway. The figures are indisputable. There are a record number of complaints. I hear constantly from business travelers about the unbelievable problems they have with failure to disclose, for example, overbooking. Many consumers have had problems trying to find out about the lowest fare.

With the binding consumer protection language that was adopted in the Transportation appropriations bill so there will be an investigation into the problems I outlined in the airline passenger bill of rights, we have made a start. Today we will have a chance to build on that by making sure these voluntary pledges begin to show up in the contracts of carriage that actually protect the consumer.

I express my thanks to Chairman MCCAIN and Senators ROCKEFELLER and GORTON for working with me on these matters and particularly to make sure the Senate knows that in many areas, the areas that promote competition and address the needs of small and medium-size airports—this is an important bill. We can strengthen it with this consumer protection amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Oregon for his steadfast advocacy for airline passengers and a range of other issues. I believe he has done this Nation a great service by attempting to see that airline passengers have certain fundamental benefits that most Americans assume they already had before certain information became known to them and to the Senate. I thank him very much. It appears to be a very good amendment.

It has not been cleared yet by Senator ROCKEFELLER. They still have some people with whom they have to talk. I have every confidence we will accept the amendment. I ask that the

Senator from Oregon withhold his amendment at this time until we are ready to accept it.

Mr. WYDEN. Mr. President, I am happy to do that and anxious to work with the chairman and Senator ROCKEFELLER. I will be glad to do that.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I say to my friend from Oregon, there is no plot or underlying purpose not to accept the amendment at this point, but there may be others who have amendments that relate to this area. Let's see what we have. From this Senator's point of view, the Senator from Oregon has made a useful amendment and, at the appropriate time, should there not be any problems that arise—I do not anticipate them—I will have no problem.

AMENDMENT NO. 2070 TO AMENDMENT NO. 1892, AMENDMENT NO. 1920, AS MODIFIED, AND AMENDMENT NO. 2071, EN BLOC

Mr. MCCAIN. Mr. President, I send three amendments to the desk, one by Senator HELMS, which is a second-degree amendment to the Gorton amendment No. 1892, an amendment by Senator BOXER, and an amendment by Senator INHOFE. I ask unanimous consent that they be considered en bloc.

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

The amendments are as follows:

AMENDMENT NO. 2070 TO AMENDMENT NO. 1892

In the pending amendment on page 13, line 9 strike the words ''of such carriers''.

AMENDMENT NO. 1920, AS MODIFIED

Insert on page 126, line 16, a new subsection (f) and renumber accordingly:

''(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Participants carrying out inherently low-emission vehicle activities under this pilot program may use no less than 10 percent of the amounts made available for expenditure at the airport under the pilot program to receive technical assistance in carrying out such activities.

(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

(3) PLANNING ASSISTANCE.—The Administrator may provide $500,000 from funds made available under section 48103 to a multistate, western regional technology consortium for the purposes of developing for dissemination prior to the commencement of the pilot program a comprehensive best practices planning guide that addresses appropriate technologies, environmental and economic impacts, and the role of planning and mitigation strategies.

AMENDMENT NO. 2071

On page 132, line 4, strike ''is authorized to'' and insert ''shall''.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2070, 1920, as modified, and 2071) were agreed to.

Mr. MCCAIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. 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. FITZGERALD. Mr. President, I wish to take a few moments now during this lull in activity on the floor to speak to my concerns about lifting the high density rule that governs O'Hare International Airport in my State.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1892

Mr. FITZGERALD. Mr. President, I think the first thing we need to do, in considering the Gorton-Rockefeller amendment to lift altogether the high density rule that governs O'Hare International Airport, is to look at what that high density rule is and why it was first imposed.

The high density rule was imposed not by Congress, although Congress is attempting to repeal it; the high density rule was imposed by the Federal Aviation Administration back in 1968 or 1969. The reason they imposed it at O'Hare was because by then—already the world's busiest airport—demand for flight operations exceeded capacity at O'Hare. Given that situation, in order to prevent inordinate delays to the air traffic system at O'Hare and around the country, they capped the number of operations per hour at O'Hare. They capped those operations at 155 flights per hour—roughly 1 every 20 seconds.

The sponsors of this amendment, and others who are proponents of it, have said: We need to lift that high density rule because it is anticompetitive, and we have to get more competition for more slots and more flights at O'Hare. They point out that just two carriers—United Airlines and American Airlines—control 80 percent of the flight operations at O'Hare International Airport, and there are studies that show that given that duopoly, the prices are higher at O'Hare. And that is true. There is absolutely no question about it.

The idea of increasing competition is great in the abstract. There is only one problem. O'Hare Airport does not have the capacity for more flights.

How do we know that? We know that because the last time Congress considered lifting the high density rule in 1994, the FAA commissioned a study and asked: What would happen if we were to lift the high density rule at O'Hare International Airport? The study, commissioned by the FAA, came back and said if you did that, there would be huge delays at O'Hare International Airport that would reverberate throughout the entire air travel system in the United States of America.

Consequently, following that report, in the summer of 1995, the U.S. Department of Transportation said they would not lift the high density rule at O'Hare because it would add to delays. The reason it would add to delays was because it would put more planes there waiting to take off or land, and that demand for more flights vastly outstripped the capacity at O'Hare.

So the problem with lifting that high density rule is that unless there is more capacity in Chicago, planes are just going to sit on the runway at O'Hare until they can take off.

What is the situation now? We have not lifted the high density rule now. Are there delays at O'Hare? You bet. There are more delays at O'Hare than just about any other major airport in the entire country, with as many as 100 airplanes lined up every morning waiting to take off from the runway.

This proposal is a proposal that would give airlines an unfettered ability to schedule even more flights. Sometimes they schedule 20 flights to take off at the same time. The marketing experts have told the airlines that 8:45 a.m. is a popular time, so schedule your plane to take off at 8:45 a.m. The airlines know darn well only one plane can take off at 8:45 a.m., but as many as 20 of them will be scheduled to take off at that time. What does that mean? That means when you are trying to take off on an 8:45 a.m. flight out of O'Hare, most likely you are going to be sitting on the tarmac waiting to take off.

At least the high density rule is some limitation because it is a limitation on how many airline flights can be scheduled to take off within that 8 o'clock hour. But by lifting this rule, we are saying there is not going to be any limitation. Perhaps the airlines could schedule 100 or 200 or 300 flights to take off in that 8 o'clock hour. People will buy tickets; they think they are going to be able to take off sometime in that hour. They do not realize that is just a bait and switch; that the airlines know full well the passengers are going to have to be sitting on the tarmac waiting to take off.

Does it make sense, at the most congested, most delay-ridden airport, to add even more delays? It makes no sense at all.

I know Senator MCCAIN well. I do believe he is very concerned about competition in the airline industry, and he, in good faith, wants to increase competition in the airline industry. I agree with him wholeheartedly on that point. But I do not agree we want to do it in a way that is going to inconvenience everybody who flies out of O'Hare, and not just everybody who flies out of O'Hare but people all around the country who will suffer because of backlogs and delays at O'Hare International Airport, which is in the center of our country.

Furthermore, there is a provision in this bill—neatly tucked in there—that probably not many people can figure out what it means. Let me read it to you. As I said earlier, United and American have 80 percent of the flights at O'Hare. So if we were to add slots or more flights at O'Hare, you would

think we would want to encourage some new entrants into the market, some other companies. That would bring some more competition, bringing some other airlines into O'Hare.

There is a little provision in here. I wonder who thought of this. Did some Senator think of this?

This is on page 4 of the amendment: ''Affiliated Carriers: . . . the Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements with other air carriers equally for determining eligibility for the application of any provision of these sections regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.''

I bet many people wonder what that means. What that means is that American Airlines' wholly-owned subsidiary, American Eagle, and United Airlines' affiliate, United Express, can be treated equally with new commuter airlines that are trying to get in and get slots out of O'Hare.

This provision in the bill seems to undercut, in my judgment, the argument that this bill would increase competition. In my judgment, competition isn't going to be increased by increasing concentration. The FAA bill before us today will not increase competition due to its definition of the term ''affiliated carrier.'' As the term ''affiliated carrier'' is defined, those carriers that already control the vast majority of capacity at the airport, United and American, will get eligibility for additional capacity and slots.

In addition, many carriers that would benefit from this bill are wholly-owned subsidiaries of the controlling carriers. Later, I hope we can have a discussion on that particular aspect of the bill.

Let me talk a little bit more in depth about the delays we already have at O'Hare, without this idea of increasing the number of flights we are going to have, regardless of the fact that we don't have more capacity for more flights.

This was an article just the other day, September 10, 1999: ''Delays at O'Hare Mounting. For the first 8 months of this year, flight delays at O'Hare soared by 65 percent compared to all of 1997 and by 18 percent over 1998, according to an analysis by the Federal Aviation Administration.''

Why are those delays occurring? In part because in the existing law we already have exemptions from the slot controls put in by the FAA back in 1969. Those slot controls limited the number of flights to 155 operations per hour. By virtue of the 1994 bill we passed in this Congress, before I was here, they allowed more exemptions to those slot rules, and the FAA has been granting those. In fact, I am told the FAA now has about 163 flights an hour at O'Hare. This bill would lift those caps entirely.

This is from August 23, 1999. I said O'Hare is one of the most delay-ridden, congested airports in the country. This article talks about it: O'Hare has one of the worst on-time arrival and departure records of any major airport in the Nation, according to U.S. Department of Transportation data analyzed by the Chicago Sun-Times. For the first 6 months of 1999, O'Hare ranked at the bottom or second to last in percentage of on-time arrivals and departures at the 29 biggest U.S. airports, performing worse than the Boston and Newark airports, the other chronic laggards.

This goes back to the idea that airlines set their own schedules. There are slot controls that limit the number of flights in an hour at O'Hare. You can get from the FAA a slot to take off in a particular hour. You can get a slot, for example, to take off at the 8 a.m. hour. It is up to the airline, then, to schedule when that plane will take off.

It turns out, as the Sun-Times investigative report found, that many of the airlines schedule them all at the same time. At times there have been as many as 80 planes scheduled to take off, all at the same time. Obviously, they can't do that. What that means is that passengers sit on the runway and wait.

Have you ever been in an airplane, sitting on the tarmac with that stuffy air, waiting for the plane to take off? The airlines always blame it on the weather or they blame it on the FAA. They blame it on somebody else. They never blame it on themselves for scheduling all the flights to take off at the same time, which we know as a matter of physics is impossible.

This October 3 article, just this Sunday, was the front-page headline article in the Chicago Sun-Times:

AIRLINES CRAMMING DEPARTURE TIME SLOTS

Airlines at O'Hare Airport schedule so many flights in and out during peak periods that it is impossible to avoid delays, a Chicago Sun-Times analysis shows.

O'Hare can handle about 3 takeoffs a minute at most, [that is one every 20 seconds] but air carriers slate as many as 20 at certain times, slots they believe will draw the most passengers. And they've continued to add flights to crowded time slots, even though delays have been increasing since 1997.

At least today, even as we have these horrible delays, there is some limitation as to how far the airlines can go with this bait-and-switch tactic with consumers. There is some check. That is the check on the absolute maximum number of slots that can be given for takeoffs and landings at O'Hare in a given hour. This bill removes that check. There will be no check then on airlines scheduling departures and arrivals all at the same time, when it is impossible for them all to land or take off at that time. In fact, you could have 200, 300, 400 flights all scheduled to take off at the same time. We are removing any of those caps.

I mentioned that in 1995, the FAA ordered a study of what would happen if we lifted the high density rule. Again, the 1995 DOT study shows that lifting the high density rule more than doubles delay times at O'Hare. That is why they didn't do it. According to this report, a Department of Transportation May 1995 Report to Congress, a study of the high density rule, lifting the rule at O'Hare, ORD, is estimated to increase the average time average annual all-weather delay by nearly 12 minutes, from 11.8 to 23.7 minutes per operation, and besides, that average annual delay is much higher now than it was back in 1995, assuming no flight cancellations occur due to instrument flight rules, weather. This is beyond the average of 15 minutes, the original basis for imposing HDR.

There are many studies that show the problem. This is why the caps were put on at O'Hare. They wanted to stop delays. The studies have all shown that adding just one more slot beyond the capacity of an airport causes an exponential, compounding increase on the delays. In fact, this is a chart that the Federal Aviation Administration prepared on airfield and airspace capacity and delay policy analysis. Once you go beyond the practical capacity of an airport—and for O'Hare, the FAA has said it is 158 flights per hour—the delays skyrocket. In my judgment, if we are saying now we are not going to have any checks on the demand at O'Hare and there is no added capacity, we are going to go right up into this range very fast.

I said yesterday, Mayor Daley from Chicago was supposed to be in Washington last week for an event. We were going to have a taste and touch of Chicago in Washington. There was a huge celebration. There were about 500 people at this reception. We were all there waiting for Mayor Daley. Everybody was asking: Where is Mayor Daley? It turns out Mayor Daley was delayed at O'Hare Airport. In fact, poor Mayor Daley had to sit on the tarmac for 4 hours at O'Hare. He arrived in Washington at 8:30 at night, after the reception was over, and he got the next plane back to Chicago.

That is typical of the kind of delays people incur going through O'Hare. This bill would add to that. I think it is a mistake to do that. It ignores the original reason we had for the high density rule. Furthermore, I think it is unusual for Congress to put on the mantle of safety and aviation experts and decide that we are going to rewrite FAA rules. We ought to take that out of the political process, have the FAA write its own rules, not us rejiggle them from the statutes.

With that, I am not going to mention at this time what I believe will be the extreme safety hazards by trying to cram more flights into less time and space at O'Hare. A flight lands and takes off every 20 seconds at O'Hare. If we are going to cram more in and narrow the distance, maybe it will come down to every 10 or 15 seconds. There is not much room for error. If you are sitting in a plane and you think there is a plane tailgating you, there is a lot of

pressure. All these takeoffs and landings will not give air passengers a great deal of comfort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to address the Senate for a few minutes. I see Chairman MCCAIN, and I wanted to engage him in a brief discussion on a matter involving the Death on the High Seas Act. I have offered several amendments with respect to this issue, but I don't intend to offer them this morning because this bill has several hundred amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I think it is extraordinarily important that the Senate take steps promptly to remedy some of the loopholes in the antiquated Death on the High Seas Act. I have had constituents bring to my attention a tragedy that is almost unique in my years of working in the consumer protection field.

Mr. John Sleavin, one of my constituents, testified before the Commerce Committee that he lost his brother, Mike, his nephew, Ben, and his niece, Annie, under absolutely grotesque circumstances. The family's pleasure boat was run over by a Korean freighter in international waters. The only survivor was the mother, Judith Sleavin, who suffered permanent injuries. The accident was truly extraordinary because, after the collision, there was absolutely no attempt by the Korean vessel to rescue the family or even to notify authorities about the collision. Mr. Sleavin's brother and his niece perished after 8 hours in the water following the collision. It was clear to me that there was an opportunity to have rescued this family. Yet there was no remedy.

We have had very compelling testimony on this problem in the Senate Commerce Committee. The chairman has indicated a willingness to work with me on this. We have a Coast Guard bill coming up, and because this is an important consumer protection issue and a contentious one, I don't want to do anything to take a big block of additional time.

I will yield at this time for a colloquy with the chairman in the hopes that we can finally get this worked out so we don't have Americans subject to the kind of tragic circumstances we saw in this case, where a family was literally mowed down in international waters by a Korean freighter and should have been rescued and, tragically, loved ones were lost. I feel very strongly about this.

I yield now to the chairman of the full committee to hear his thoughts on our ability to get this loophole-ridden Death on the High Seas Act changed, and particularly doing it on the Coast Guard bill that will be coming up.

Mr. MCCAIN. Mr. President, I thank my friend from Oregon. I know he has been heavily involved in this issue for a long time. We will have the Coast Guard bill scheduled for markup. At that time, I hope the Senator from Oregon will be able to propose an amendment addressing this issue. But I also remind my friend that there may be objection within the committee as well. I know he fully appreciates that. There is at least one other Senator who doesn't agree with this remedy. But I think we should bring up this issue and it should be debated and voted on. I think certainly the Senator from Oregon has the argument on his side in this issue.

Mr. WYDEN. I thank the chairman. I am going to be very brief in wrapping this up. I think our colleagues know that I am not one who goes looking for frivolous litigation. The chairman of the committee and all our colleagues on the Commerce Committee know that I spent a lot of time on the Y2K liability legislation this year so we could resolve these problems without a whole spree of frivolous litigation.

But we do know that there are areas, particularly ones where injured consumers in international waters have no remedy at all, when they are subject to some of the most grizzly and unfortunate accidents, where there is a role for legislation and a need for a remedy.

I am very appreciative that the chairman has indicated he thinks it is appropriate that we devise a remedy. I intend to work very closely with our colleagues on the Commerce Committee. I know the chairman of the subcommittee, Senator GORTON, has strong views on this. I am willing to look anew with respect to what that remedy ought to be so we can pass a bipartisan bill. But I do think we have to devise a remedy because to have innocent Americans run down in international waters without any remedy can't be acceptable to the American people.

With that, I ask unanimous consent to withdraw all four of the amendments I have had filed on this bill with respect to the Death on the High Seas Act.

The PRESIDING OFFICER. The Senator has that right. The amendments are withdrawn.

Mr. MCCAIN. Mr. President, I thank the Senator from Oregon. I look forward to working with him on this very important issue.

I suggest the absence of a quorum.

Mr. BURNS. 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. BURNS. Mr. President, I will comment on an amendment we introduced last night and ask for the support of my colleagues. Before I do that, I want to recognize the chairman of the full committee, the Commerce Committee, and my colleagues on the subcommittee. There are many important provisions in this bill. Most importantly, I think it reauthorizes the funding mechanism for airport construction which has been going on around the country. I hardly find a place where there are not improvements being done to the infrastructure for air traffic.

The legislation allows a limited number of exemptions to the current perimeter rule at the Ronald Reagan National Airport. Creating these exemptions takes a step in the right direction to provide balance between Americans within the perimeter and outside the perimeter. The current perimeter rule is outdated and restrictive to creating competition.

We have the best and the most efficient modes of transportation in the entire world. No other country can make such a boast. With the exception, of course, of rail transportation and passengers, we have very competitive alternatives. Now is the time to further enhance our competitive aviation and rail alternatives, although some who live at the end of the lines sometimes question if we have competition in the right places.

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.

As a result, I believe our committee has crafted a limited compromise which protects the local community from uncontrolled growth, ensures that service inside the perimeter will not be affected and creates a process which will improve access to Ronald Reagan National Airport for small and medium-sized communities outside the current perimeter. Montana's communities will benefit from these limited exemptions through improved access to the nation's capitol.

Throughout this bill, our 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 related to improved access to Reagan National is no different.

Today, passengers from many communities in Montana are forced to double or even triple connect to fly to Washington 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 and Ronald Reagan National Airport.

This provision 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, if the Secretary receives more applications for more slots than the bill allows, DOT must prioritize the applications based on quantifying the domestic network benefits. Therefore, DOT must consider and award these limited opportunities to western hubs which connect the largest number of cities to the national transportation network.

I request the support of my colleagues on a very important amendment I along with my colleague from Missouri have introduced to this bill. That amendment was added last night. This amendment will establish a commission to study the future of the travel agent industry and determine the consumer impact of airline interaction with travel agents.

Since the Airline Deregulation Act of 1978 was enacted, major airlines have controlled pricing and distribution policies of our nation's domestic air transportation system. Over the past four years, the airlines have reduced airline commissions to travel agents in a competitive effort to reduce costs.

I am concerned the impact of today's business interaction between airlines and travel agents may be a driving force that will force many travel agents out of business. Combined with the competitive emergence of Internet services, these practices may be harming an industry that employs over 250,000 people in this country.

This amendment will explore these concerns through the establishment of a commission to objectively review the emerging trends in the airline ticket distribution system. Among airline consumers there is a growing concern that airlines may be using their market power to limit how airline tickets are distributed and sold.

Mr. President, if we lose our travel agents, we lose a competitive component to affordable air fare. Travel agents provide a much needed service and without them, the consumer is the loser.

The current use of independent travel agencies as the predominate method to distribute tickets ensures an efficient and unbiased source of information for air travel. Before deregulation, travel agents handled only about 40 percent of the airline ticket distribution system. Since deregulation, the complexity of the ticket pricing system created the need for travel agents resulting in travel agents handling nearly 90 percent of transactions.

Therefore, the travel agent system has proven to be a key factor to the success of airline deregulation. I'm afraid, however, that the demise of the independent travel agent would be a factor of deregulation's failure if the major airlines succeed in dominating the ticket distribution system.

Tavel agents and other independent distributors comprise a considerable portion of the small business sector in the United States. There are 33,000 travel agencies employing over 250,000 people. Women or minorities own over 50 percent of travel agencies.

Since 1995, commissions have been reduced by 30%, 14% for domestic travel alone in 1998. since 1995, travel agent commissions have been reduced from an average of 10.8 to 6.9 percent in 1998. Travel agencies are failing in record numbers.

I think it is important we study the issue, get an unbiased commission together, and give a report to Congress. We will see how important the role played by the ticket agents and the travel agencies is in contributing to the competitive nature of travel in this country.

I ask my colleagues to support this important amendment. We are dealing with a subject that needs to be dealt with; this bill needs to be passed. We are in support of it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FITZGERALD. 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. FITZGERALD. Mr. President, I would like to take advantage of this opportunity to finish one final point to the speech I had given a few moments ago wherein I mentioned the likely delays that would be caused at Chicago O'Hare, and that is the increase in delays that would be caused in Chicago O'Hare and throughout our Nation's entire air traffic system if the high density rule were to be repealed. But right now I mention one other item which is probably the most important matter this Senate confronts in passing statutes to govern our aviation system, and that is the issue of safety.

I alluded earlier to the fact that O'Hare is the world's biggest airport and that there is a takeoff and landing every 20 seconds at O'Hare. Any sixth grader can figure out if we are going to try to run more flights per hour and more flights per minute through O'Hare, we are going to have to bring them in and take them off in less time than 20 seconds. Either that or we will continue mounting delays.

Most likely, we will continue mounting delays. But it is possible the increased congestion and delays would cause the air carriers to be pressuring the FAA to let the planes take off and would be pressuring the air traffic controllers to get planes into the air quicker, and it would be pressuring them to shorten the separation distances between airplanes.

Already in this country, in order to increase capacity at our airports without adding capacity in terms of new facilities and runways, we are doing a number of things. We are reducing separation distances between arriving aircraft.

A couple of years ago, I was doing a landing at O'Hare. I was on a commercial air carrier. We were about to land at O'Hare. Lo and behold, we were about to land on top of another plane that was still on the runway. At the last minute, the pilot lifted up, and we took off again right before we hit the other plane that had not gotten off the runway. Many people have probably been through that experience. It is pretty frightening.

If we are going to cram more flights into the same space at O'Hare, we are going to see more incidents like that. They are already reducing runway occupancy time. You will notice when your plane lands that it hightails it off that runway because it knows there is another plane right behind.

They are doing something that they call land-and-hold operations—they are doing it at O'Hare and across the country—where the plane lands, and it has to get to a crisscross with another runway. They have to hold while another plane lands. Pilots hate to do that, but they are forced to by air traffic control.

We are seeing increasing incidents of triple converging runway arrivals in this country. All of this is designed to put more planes together in time and space. I think it is obvious to anybody that decreases the margin of safety that we have in aviation in this country.

I think that is a great mistake because nothing is as important as the safety of the flying public.

I call your attention to an article that appeared in USA Today. I apologize. The date is wrong on this. It says November 13, 1999. Obviously, that was November 13 of a different year because we haven't gotten to November 13 of 1999. This is actually from 1998.

They had a front-page headline article called: ''Too Close for Comfort. Crossing Runways Debated as Travel Soars. Safety, On-Time Travel on Collision Course, Pilots Say.''

Let me read a quote from this article from USA Today from November 13, 1998.

> ''They are just trying anything to squeeze out more capacity from the system,'' says Captain Randolph Babbitt, President of the Airline Pilots Association, which represents 51,000 of the 70,000 commercial pilots in the United States and Canada. ''Some of us think this is nibbling at the safety margins.''

Probably at no airport in the country have we nibbled more at the safety margins than at O'Hare International Airport—the world's biggest airport, the world's most congested, the one that has the most delays in this country.

I will read a portion of a letter that was sent earlier this year to the Governor of our great State, Governor George Ryan.

> My name is John Teerling and I recently retired, after 31.5 years with American Airlines as a Captain, flying international

routes in Boeing 767 and 757's. I was based at Chicago's O'Hare my entire career. I have seen the volume of traffic at O'Hare pick up and exceed anyone's expectations, so much so, that on occasions, mid-airs were only seconds apart. O'Hare is at maximum capacity, if not over capacity. It is my opinion that it is only a matter of time until two airliners collide making disastrous headlines.

I close with that thought, and I caution the Senate on the effects of our interfering in the rulemaking authority of the FAA, overruling their authority, and by statute rewriting their rules.

I ask unanimous consent that this letter to Governor George Ryan from this former American Airlines captain, John Teerling, be printed in the RECORD.

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

JOHN W. TEERLING,
Lockport, IL, January 18, 1999.

RE: A Third Chicago Airport

Gov. GEORGE RYAN,
State Capitol, Springfield, IL.

DEAR GOVERNOR RYAN: My name is John Teerling and I recently retired, after 31.5 years with American Airlines as a Captain, flying international routes in Boeing 767 and 757's. I was based at Chicago's O'Hare my entire career. I have seen the volume of traffic at O'Hare pick up and exceed anyone's expectations, so much so, that on occasion mid-airs were only seconds apart. O'Hare is at maximum capacity, if not over capacity. It is my opinion that it is only a matter of time until two airliners collide making disastrous headlines.

Cities like Atlanta, Dallas and especially Miami continue to increase their traffic flow, some months exceeding Chicago, and at some point could supersede Chicago permanently. If Chicago and Illinois are to remain as the major Hub for airline traffic, a third major airport has to be built, and built now. Midway, with its location and shorter runways will never fill this void. A large international airport located in the Peotone area, complete with good ground infrastructure (rail and highway) to serve Chicago, Kankakee, Joliet, Indiana and the Southwest suburbs, would be win, win situation for all. The jobs created for housing and offices, hotels, shopping, manufacturing and light industry could produce three to four hundred thousand jobs. Good paying jobs.

Another item to consider, which I feel is extremely important is weather. I have frequently observed that there are two distinct weather patterns between O'Hare and Kankakee. Very often when one is receiving snow, fog or rain the other is not. These conditions affect the visibility and ceiling conditions determining whether the airports operate normally or not. Because of the difference in weather patterns when one airport, say O'Hare, is experiencing a hampered operation, an airport in Peotone, in all probability, could be having more normal operations. Airliners could then divert to the ''other'' Chicago Airport, saving time and money as well as causing less inconvenience to the public. (It's better to be in Peotone than in Detroit).

It is well known that American and United, who literally control O'Hare with their massive presence, are against a third airport. Why? It is called market share competition and greed. A new airport in the Peotone area would allow other airlines to service Chicago and be competition. American and United are of course dead set against that. What they are not considering is that their presence at a third airport would afford them an even greater share of the Chicago regional pie as well as put them in a great position for future expansion.

You also have Mayor Daley against a third airport because he feels a loss of control and possible revenue for the city. This third airport, if built, and it should be, should be classified as the Northern Illinois Regional Airport, controlled by a Board with representatives from Chicago and the surrounding areas. That way all would share in the prestige of a new major international airport along with its revenues and expanding revenue base.

The demand in airline traffic could easily expand by 30% during the next decade. Where does this leave Illinois and Chicago? It leaves us with no growth in the industry if we have no place to land more airplanes. If Indiana were ever to get smart and construct a major airport to the East of Peotone, imagine the damaging economic impact it would have on Northern Illinois!

Sincerely,

JOHN W. TEERLING.

Mr. FITZGERALD. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I would just make a couple of comments in general and not direct it to those who are trying to decrease or increase slots at airports but some philosophical points.

A lot of these rules were set, as has been pointed out, some 30 years ago. Of course, there has been a lot of technology which has developed since that time, and a lot of it which has been in place since that time which allows much more efficient use. We don't have so-called ''buy and sell'' situations anymore. We have slots.

We also have, as I described in my opening statement yesterday, millions of Americans who fly every year, and 1 billion people will be flying in the next decade. We have a tripling of air cargo. We have an enormous increase in international flights. We have an enormous increase in letters and boxes, all of which require flights and all of which require slots. They go to different airports. But the point is everything is increasing.

I don't think that any of us on the floor or colleagues who will be here to vote on various issues can pretend that we can turn around and say: All right, Mr. and Mrs. America. Yes, you are making more income. Yes, you are maybe vacation-conscious. Yes, this is a free market system. Yes, you live in a free country and you want to fly to more places and you have the money now to take your children with you. You are writing more letters. You are sending more packages because more services are available.

We cannot pretend as though we are going to stop this process. I don't want to make the comparison to the Internet because the Internet has a life of its own. But it comes to mind. There are a lot of people who want to stop some of the things going on on the Internet. They can't do it. The Internet has a life of its own. It is the result of the free enterprise system that people decide to buy it or not buy it. That is their choice.

But people also have the choice as to whether they want to fly or not. We are now coming to the point where we have the technology to allow a lot more of that to happen.

I described a visit I made to the air traffic control center in Herndon, VA, which is highly automated and has the highest form of technology. If you want to say: All right. How many flights are in the air right now from 3,000 to 5,000 feet? How many are in the air now from 5,000 to 7,000, or 5,000 to 6,000? They push a button, and they can tell you every flight—because I have seen it—every flight in the country at certain levels. The whole concept of being able to increase flights is going to be there.

No. 1, we have established the fact that Americans are free. This is not the former Soviet Union. People have the right to fly. They have the money to fly. The economy is doing better, and exponentially everything is growing. That case is closed.

If somebody wants to say, let's stop that, let's just say we are going to pretend it was 30 years ago and only so many people can fly, only so many letters can be written, only so many international flights, the Italians and French are going to have to stop, it is OK the Japanese and Germans do it—life does not work like that. People have the right to make their decisions, and it is up to us in Congress to expedite the ability of the FAA to have in place the instruments, the technology, and the funding to make all of this work properly.

I point out one economic thing that comes from the Department of Transportation which is very interesting. This happens to deal with O'Hare. That is an accident; it is not deliberate. But it makes an interesting point because it talks about the benefits if you open up slots and it talks about the deficiencies; there are both. If you open up more slots, you will get a benefit for the consumer that outweighs the total cost of the delays and, in short, the consumer will save a great deal of money, or a certain amount of money, on tickets. They will save money because there will be more competition, because there will be more slots, because there will be more flights. That is the free-market system. That is what brings lower costs.

I do not enjoy flying from Charleston, WV, to Washington, DC, and paying $686 for a flight on an airplane into which I can barely squeeze.

Let's understand, we have something which is growing exponentially and happens to be terrific for our economy. As I indicated, 10 million people work in this industry. You are not going to stop people from sending letters. You are not going to stop people from flying. You are not going to stop people from taking vacations. You are not

going to stop international traffic. None of that is going to happen. We have to accommodate ourselves.

Does that mean there is going to be somewhat more noise? Yes.

Does that mean we have to improve systems, engines, and research that are reducing that noise? Yes, we do.

Does that mean there are going to be more delays? Probably.

But the alternative to that is to say, all right, since we cannot have a single delay and nobody can be inconvenienced a single half hour, then let's just shut all of this off and go back to the 1960s and pretend we are in that era. We cannot do that. We simply cannot do that.

I introduce that thought into this conversation. There will be other amendments and other points that will be made about it. But we are dealing with inexorable growth, which the American people want, which the international community wants, which is now supported by an economy which is going to continue to sustain it. Even if the economy goes through a downturn, it is not going to slow down traffic use substantially because once people begin to fly, they keep on flying; they do not give up that habit.

We are dealing with a fact of life to which we have to make an adjustment in two ways: One, we have to be willing to accept certain inconveniences. I happen to live in one place where the airplanes just pour over my house. I do not enjoy that, but I adjust to it.

Let's deal in the real world here. Flights are good for the economy; flights are good for Americans; flights are good for the world. Packages and letters are all part of communication. There is nothing we are going to do to stop it, so we have to make adjustments. One, in our own personal lives, and, two, we in Congress have to make adjustments by being far more aggressive in terms of expediting funding for research, instruments, and technology that will make all of this as easy as possible.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to add Senator GRASSLEY as an original cosponsor of the Collins amendment No. 1907.

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

AMENDMENT NO. 1892, AS MODIFIED

Mr. MCCAIN. Mr. President, on behalf of Senator GORTON, I send to the desk a modification to amendment No. 1892 offered yesterday by Senator GORTON and ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1892), as modified, is as follows:

On page 9, beginning with line 15, strike through line 11 on page 10 and insert the following:

''(2) NEW OR INCREASED SERVICE REQUIRED.—Paragraph (1)(A) applies only if—

''(A) the air carrier was not providing air transportation described in paragraph (1)(A) during the week of June 15, 1999; or

''(B) the level of such air transportation to be provided between such airports by the air carrier during any week will exceed the level of such air transportation provided by such carrier between Chicago O'Hare International Airport and an airport described in paragraph (1)(A) during the week of June 15, 1999.

AMENDMENT NO. 1950 TO AMENDMENT NO. 1906

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 1906 submitted by Senator VOINOVICH, and on behalf of Senator GORTON, I send a second-degree amendment, No. 1950 to amendment No. 1906, and ask that the second-degree amendment be adopted and that the amendment No. 1906, as amended, then be adopted.

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

The amendment (No. 1906) is as follows:

Strike section 437.

The amendment (No. 1950) was agreed to, as follows:

SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm;

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) by striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

The amendment (No. 1906), as amended, was agreed to.

AMENDMENTS NOS. 1900 AND 1901, EN BLOC

Mr. MCCAIN. Mr. President, on behalf of Senator ROBB, I send to the desk two amendments that have been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendments will be reported en bloc.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ROBB, proposes amendments numbered 1900 and 1901, en bloc.

The amendments are as follows:

AMENDMENT NO. 1900

(Purpose: To protect the communities surrounding Ronald Reagan Washington National Airport from nighttime noise by barring new flights between the hours of 10:00 p.m. and 7:00 a.m.)

At the appropriate place, insert the following new section:

SEC. . CURFEW.

Notwithstanding any other provision of law, any exemptions granted to air carriers under this Act may not result in additional operations at Ronald Reagan Washington National Airport between the hours of 10:00 p.m. and 7:00 a.m.

AMENDMENT NO. 1901

(Purpose: To require collection and publication of certain information regarding noise abatement)

At the appropriate place, insert the following new title:

TITLE ___—_____

SEC. ___01. GOOD NEIGHBORS POLICY.

(a) PUBLIC DISCLOSURE OF NOISE MITIGATION EFFORTS BY AIR CARRIERS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall collect and publish information provided by air carriers regarding their operating practices that encourage their pilots to follow the Federal Aviation Administration's operating guidelines on noise abatement.

(b) SAFETY FIRST.—The Secretary shall take such action as is necessary to ensure that noise abatement efforts do not threaten aviation safety.

(c) PROTECTION OF PROPRIETARY INFORMATION.—In publishing information required by this section, the Secretary shall take such action as is necessary to prevent the disclosure of any air carrier's proprietary information.

(d) NO MANDATE.—Nothing in this section shall be construed to mandate, or to permit the Secretary to mandate, the use of noise abatement settings by pilots.

SEC. ___02. GAO REVIEW OF AIRCRAFT ENGINE NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on regulations and activities of the Federal Aviation Administration in the area of aircraft engine noise assessment. The study shall include a review of—

(1) the consistency of noise assessment techniques across different aircraft models and aircraft engines, and with varying weight and thrust settings; and

(2) a comparison of testing procedures used for unmodified engines and engines with hush kits or other quieting devices.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to ensure consistent measurement of aircraft engine noise.

SEC. ___03. GAO REVIEW OF FAA COMMUNITY NOISE ASSESSMENT.

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the regulations and activities of the Federal Aviation Administration in the area of noise assessment in communities near airports. The study shall include a review of whether the noise assessment practices of the Federal Aviation Administration fairly

and accurately reflect the burden of noise on communities.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures to improve the assessment of airport noise in communities near airports.

Mr. MCCAIN. Mr. President, I ask that the amendments be adopted en bloc.

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

The amendments (Nos. 1900 and 1901) were agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1904

(Purpose: to provide a requirement to enhance the competitiveness of air operations under slot exemptions for regional jet air service and new entrant air carriers at certain high density traffic airports)

Mr. MCCAIN. Mr. President, finally, I send to the desk amendment No. 1904 on behalf of Senator SNOWE, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Ms. SNOWE, proposes an amendment numbered 1904.

The amendment is as follows:

At the end of title V of the Manager's substitute amendment, add the following:

SEC. ___. REQUIREMENT TO ENHANCE COMPETITIVENESS OF SLOT EXEMPTIONS FOR REGIONAL JET AIR SERVICE AND NEW ENTRANT AIR CARRIERS AT CERTAIN HIGH DENSITY TRAFFIC AIRPORTS.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by sections 507 and 508, is amended by adding at the end thereof the following:

"§ 41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports

''In granting slot exemptions for nonstop regional jet air service and new entrant air carriers under this subchapter to John F. Kennedy International Airport, and La Guardia Airport, the Secretary of Transportation shall require the Federal Aviation Administration to provide commercially reasonable times to takeoffs and landings of air flights conducted under those exemptions.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by this title, is amended by adding at the end thereof the following:

''41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports.''.

Mr. MCCAIN. Mr. President, this amendment has been cleared on the other side, and there is no further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1904) was agreed to.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I inquire of the Chair, what is the pending amendment at this time?

The PRESIDING OFFICER. Amendment No. 1898 offered by the Senator from Montana, Mr. BAUCUS.

Mr. ROBB. Mr. President, I ask unanimous consent that amendment No. 1898 be temporarily laid aside and that we return to consideration of amendment No. 1892 offered by the Senator from Washington, Mr. GORTON.

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

AMENDMENT NO. 2259 TO AMENDMENT NO. 1892

(Purpose: to strike the provisions dealing with special rules affecting Reagan Washington National Airport)

Mr. ROBB. Mr. President, I send a second-degree amendment to amendment No. 1892 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] for himself, Mr. SARBANES and Ms. MIKULSKI; proposes an amendment numbered 2259 to amendment No. 1892.

Beginning on page 12 of the amendment, strike line 18 and all that follows through page 19, line 2, and redesignate the remaining subsections and references thereto accordingly.

Mr. ROBB. Mr. President, I thank my friend and colleague from Arizona for accepting three out of four of the amendments I have proposed. I had hoped we might someday find a way he could accept the fourth. I am very much aware of the fact, however, that he and some others are not inclined to do that. I have, therefore, sent to the desk an amendment, just read by the clerk in its entirety, which simply strikes the section of the amendment that deals with the number of additional slots at National Airport.

In this particular case, this amendment offered by the Senator from Washington, while a step in the right direction from the original bill language which would have required that an additional 48 slots be forced on the Washington National Airport Authority, nonetheless cuts that in half and it gets halfway to the objective I hope we can ultimately achieve in this particular case.

The amendment would reduce to zero the number of changes in the slots that are currently in existence at Ronald Reagan Washington National Airport.

My primary objection to this section is that it breaks a commitment to the citizens of this region, by injecting the Federal Government back into the management of our local airports.

Before I discuss this issue in detail, I wish to make clear that I fully support nearly all of the underlying legislation and have for some period of time. Congress ought to approve a multiyear FAA reauthorization bill that boosts our investment in aviation infrastructure and keeps our economy going strong. There is no question about that. I have supported that from the very beginning, and I thank the managers for their efforts in this particular regard.

I have long believed that funding for transportation, particularly mass transportation, is one of the best investments our Government can make. For our aviation system, in particular, these investments are critical.

As Secretary of Transportation Rodney Slater noted:

. . . aviation will be for America in the 21st Century what the Interstate Highway System has been for America in this century.

It has been suggested that as part of our preparation for the next century of aviation to promote competition and protect consumers, we ought to impose additional flights on the communities surrounding National Airport.

It has been argued that the high density rule, which limits the number of slots or flights at National, is a restriction on our free market and hurts consumers. I do not dispute the fact that flight limits at National restrict free market. I believe, however, that the proponents of additional flights give an inaccurate picture of the supposed benefits of forcing flights on National Airport.

Before I go on to discuss the impact of additional flights on communities in Northern Virginia, I would like to deflate the idea that more flights will necessarily be a big winner for consumers.

Based on the number of GAO reports we have had on this subject, some of our colleagues may think slot controls are somehow the primary cause of consumer woes. When we look at the facts, however, this simply is not the case.

I understand reports by the GAO and by the National Research Council argue that airfares at slot-controlled airports are higher than average. However, the existence of higher-than-average fares does not tell us how slot controls may contribute to high fares at a specific airport. Many other factors, such as dominance of a given market by a particular carrier, or the leasing terms for gates, play a role in determining price. Also, simply noting the higher-than-average fares do not tell us whether slot controls are really a significant problem for the Nation.

The U.S. Department of Transportation has examined air service on a city-by-city basis looking at all service to each city. This chart shows a 1998 third quarter DOT assessment of airfares, ranking each city based on the average cost per mile traveled. As you can see, the airports with the slot controls are not at the top of the list. In fact, they do not even make the top 106. Slot-controlled Chicago, as my distinguished colleague from Illinois has pointed out, comes in at No. 19, right after Atlanta, GA; slot-controlled Washington, DC, comes in at 25, which is after Denver; and slot controlled

New York is way down the list at No. 42.

Clearly, there are factors beyond slot controls that weigh heavily in determining how expensive air travel is in a particular city. So simply adding more flights will not necessarily bring costs down.

Proponents of adding more slots at National may argue, nonetheless, that their proposal is a slam-dunk win for consumers. But on closer examination, more flights look less like a game-winning move and more like dropping the ball.

Advocates of more flights ignore or downplay a central fact: More flights mean more delays, as the Senator from Illinois has so eloquently pointed out. More flights mean more harm to consumers in the airline industry. This is the untold story of the impact of more flights at National.

The most recent GAO study downplays this issue in a passing reference to the impact of delays. According to the GAO:

> [I]f the number of slots were increased . . . delays. . .could cause the airlines to experience a decreased profit . . . the costs [of delay] associated with the increase would be partially offset by consumer benefits.

A 1999 National Research Council report acknowledges that delays resulting from more flights may hurt consumers:

> [I]t is conceivable that many travelers would accept additional delays in exchange for increased access to [slot-controlled] airports. . . . Recurrent delays from heavy demand, however, would prompt direct responses to relieve congestion.

Later on the report suggests ''congestion pricing'' to prevent delays. Congestion pricing would raise airport charges and, thus, airfares during busy times to reduce delays. In other words, the National Research Council is suggesting that additional flights would force consumers to either accept more delays or accept price hikes to manage delays.

I understand the underlying bill says that additional slots shall not cause ''meaningful delay.'' The legislation does not define ''meaningful delay,'' however, or provide any mechanism to protect consumers from delays, should they occur.

While both the GAO and the NRC reports acknowledge we can expect delays, neither report examines the specific impact of delays on consumers.

The most detailed analysis that is available to us comes from a 1995 DOT study titled ''A Study of the High Density Rule.'' That report examines the impact of several scenarios, including removing slots at National completely, and allowing 191 new flights, the maximum the airport could safely accept according to their report.

According to experts at DOT:

> [T]he estimated dollar benefit of lifting the slot rule at National is substantially negative: minus $107 million.

This figure includes the benefits of new service and fare reductions, weighed against the cost of delays to consumers and airliners.

There is simply no getting around the fact that National has limits on how many flights it can safely manage. As we try to get closer to that maximum safe number, the more delays we will face.

The DOT report goes on to examine the specific impact of adding 48 new slots, as proposed by the underlying legislation. The report finds that the length of delays will nearly double from an average of something around 4.6 minutes to a delay of 8 minutes, on average. I will discuss the costs of these delays at National Airport in a moment.

But in case some of my colleagues think that a few minutes of delay is not a problem for air travelers, the Air Transport Association has estimated that last year delays cost the industry $2.5 billion in overtime wages, extra fuel, and maintenance. Indeed, yesterday I was flying up and down the east coast and all of those charges were clearly adding to the cost of the airline, which will ultimately be passed on to the consumer.

For consumers, there were 308,000 flight delays and millions of hours of time lost. For National in particular, the 1995 DOT report finds that airlines would see $23 million in losses due to delays. For consumers, 48 new slots would provide little benefit overall. Consumers would see $53 million in new service benefits, but delays would cost consumers $50 million.

The report assumes no benefits from fare reductions with 48 slots, but, being generous, I have assumed an estimated fare reduction of $20 million from fare benefits listed elsewhere in the report. Consumer benefits, therefore, are $53 million for new service; minus $50 million for delays, plus $20 million for possible discounts, for a total of about $23 million.

Considering the fact that about 16 million travelers use National each year, that works out to about $1.50 per person per trip in savings.

That is not much benefit for the 48 slots. For 24 slots, as the Gorton amendment provides, we don't have a good analysis of the cost of delay. I suspect, however, the ultimate consumer benefits are similarly modest.

We all value the free market and the benefit it provides to consumers. At the same time, it is the job of Congress to weigh the benefits of an unrestrained market against other cherished values. The free market does not protect our children from pollution, guard against monopolies, or preserve our natural resources. In this case, we are weighing a small benefit that would come from an additional 24 slots at National against the virtues of a Government that keeps its word and against the peace of mind of thousands of Northern Virginians, as well as many in the District of Columbia and Maryland.

Elsewhere in this bill, we would restrain the market. The legislation would restrict air flights over both small and large parks. I submit that is the right thing to do. We should work to preserve the sanctity of our national parks. But while this bill abandons free market principles to shield our parks, it uses free market principles as a sword to cut away at the quality of life in our Nation's Capital. It is wrong to try to force Virginians and those who live in this area, Maryland and the District of Columbia and elsewhere, to endure more noise from National Airport, especially when the consumer benefits are so small and so uncertain. Most troubling of all is the fact that this bill breaks a promise to the citizens of this region, a promise that they would be left to manage their own airports without Federal meddling. To give the context surrounding that promise, I must review some of the history of the high density rule and the perimeter rule at National.

National, as many of our colleagues know, was built in 1941. It was, therefore, not designed to accommodate large commercial jets. As a result, during the 1960s, as congestion grew, National soon became overcrowded. To address chronic delays, in 1966, the airlines themselves agreed to limit the number of flights at National. They also agreed to a perimeter rule to further reduce overcrowding. Long haul service was diverted to Dulles. During the 1970s and early 1980s, improvements were negligible or nonexistent at both National and Dulles, as any of our colleagues who served in this body or the other body at that time will recall, because there was no certainty to the airline agreements.

National drained flights from Dulles so improvements at Dulles were put on hold. Litigation and public protest over increasing noise at National blocked improvements there. As my immediate successor as Governor, Jerry Baliles, described the situation in 1986:

> National is a joke without a punchline—National Airport has become a national disgrace. National's crowded, noisy, and incomprehensible. Travelers need easy access to the terminal. What they get instead is a half marathon, half obstacle course, and total confusion.

To address this problem, Congress codified the voluntary agreements the airlines had adopted on flight limits and created an independent authority to manage the airports. The slot rules limited the number of flights and noise at National, and the perimeter rule increased business at Dulles. Together with local management of the airports, these rules provided what we thought was long-term stability and growth for both airports. More than $1.6 billion in bonds have supported the expansion of Dulles. More than $940 million has been invested to upgrade National. These major improvements would not have taken place without local management and without the stability provided by the perimeter and slot rules.

The local agreement on slot controls was not enacted into Federal law simply to build good airports. Slot controls embodied a promise to the communities of Northern Virginia and Washington and Maryland.

In the 1980s, there was some discussion of shutting down National completely. Anyone who was here at the time will recall that discussion and the prospect that National might actually be shut down. We avoided that fate and the resulting harm to consumer choice with an agreement to limit National's growth. I suspect some individuals in communities around National believe the agreement did not protect them enough and should have limited flights even more. But by giving them some sense of security that airport noise would not continue to worsen by giving them a commitment, we were able to move ahead with airport improvements.

Congress and the executive branch recognized the community outrage that had blocked airport work and affirmed that a Federal commitment in law would allow improvements to go forward.

In 1986 hearings on the airport legislation, Secretary of Transportation Elizabeth Dole stated:

> With a statutory bar to more flights, noise levels will continue to decline as quieter aircraft are introduced. Thus all the planned projects at National would simply improve the facility, not increase its capacity for air traffic. Under these conditions, I believe that National's neighbors will no longer object to the improvements.

As the Senate Committee on Commerce report noted at the time:

> [I]t is the legislation's purpose to authorize the transfer under long-term lease of the two airports ''as a unit to a properly constituted independent airport authority to be created by Virginia and the District of Columbia in order to improve the management, operation and development of these important transportation assets.''

Local government leaders, such as Arlington County Board member John Milliken, at that time noted that they sought a total curfew on all flights and shrinking the perimeter rule but, in the spirit of compromise, would accept specific limitations on flights and the perimeter rule.

The airport legislation was not simply about protecting communities from airport noise. It was also about the appropriate role of the Federal Government. Members of Congress noted at the time that the Federal Government should not be involved in local airport management. In short, local airports should be managed by local governments, not through congressional intervention.

At a congressional debate on the airport legislation, Senator Robert Dole and Congressman Dick Armey affirmed that Federal management of the airports was harmful. According to Senator Dole:

> There are a few things the Federal Government—and only the Federal Government—can do well. Running local airports is not one of them.

According to Congressman Dick Armey:

> Transferring control of the airports to an independent authority will put these airports on the same footing as all others in the country. It gets the Federal Government out of the day-to-day operation and management of civilian airports, and puts this control into the hands of those who are more interested in seeing these airports run in the safest and most efficient manner possible.

I submit that local airports in Virginia have been well managed to date. We shouldn't now start second-guessing that effort.

Again, the legislation before us reneges on the Federal commitment to this region that the Federal Government would not meddle in airport management and that we would not force additional flights on National. Congress repeated that commitment in 1990 with the Airport Noise Capacity Act which left in place existing noise control measures across the country. That act, wherein Congress limited new noise rules and flight restrictions, also recognized that the Federal Government should not overrule preexisting slot controls, curfews, and noise limits. The 1990 act left in place preexisting rules, including flight limits at National.

The bill before us contributes to the growing cynicism with which the public views our Federal Government. Overruling protections that airport communities have relied on is fundamentally unfair.

Beyond the matter of fairness, forcing flights on National sets a precedent that will affect communities across the Nation. Many communities, such as Seattle, WA, and San Diego, CA, are trying to determine how they will address growing aviation needs and how their actions will affect communities around their airports.

Those debates will determine how communities will treat their existing airport, whether they will close the airport to prevent possible growth in excess noise or leave it open to preserve consumer benefits, with the understanding that growth will be restrained.

Those debates will also determine the location of new airports, whether a community will place the airport in a convenient location or further remove it from population centers to avoid noise impacts.

The action Congress takes today will shape those debates. Knowing that Congress may intervene in local airport management will tip the balance toward closing the more convenient local airports out of fear—fear that Congress will simply stamp out a local decision.

Unfortunately, for the citizens around National, they trusted the Federal Government. They hoped the Federal Government agreement that they had to limit flights would protect them. As former Secretary of Transportation William Coleman noted in 1986, ''National has always been a political football.''

To summarize, the additional flights proposed in this bill are not designed to address some major restraint on aviation competition. Slot controls may respect competition, but there are clearly many factors affecting airfares. More importantly, the benefits to consumers of 24 additional flights at National are very uncertain. We will clearly have delays, and none of the studies supporting additional flights have examined in detail the cost of those delays. The best study we have on the subject, a 1995 DOT report, suggests that because of those delays, consumers won't get much benefit—maybe $1.50 per person, on average.

We don't know how the delays at National—which we know will come if we approve the new flights—will affect air service in other cities with connecting flights to National. We are balancing these marginal benefits against the quality of life in communities surrounding the National Airport. We are pitting improved service for a few against quieter neighborhoods for many. We are also pitting a small, uncertain benefit to consumers against the integrity of the Federal Government.

Forcing additional flights on National breaks an agreement that Congress made in 1986 to turn the airport over to a regional authority and leave it alone.

A vote for this amendment to strike is a vote against more delays for consumers. A vote for this amendment is a vote in favor of a Federal Government that keeps its word. I urge my colleagues to support this amendment to strike and retain the bargain, both implied and explicit, that we made in 1986 with the communities that surround the two airports in question.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Virginia. I understand his passion and commitment on this issue. On this particular issue, we simply have an honorable disagreement. He makes a very cogent argument, but with all due respect, I simply am not in agreement. I have a different view and perspective. He and I have debated this issue on a number of occasions in the past.

I want to make a few additional points. Twelve new round-trip flights at Reagan National is barely acceptable to me. Because of Senator ROBB's intense pressures and that of Senator WARNER, and others, we have reduced it rather dramatically from what we had hoped to do. I know the Senator from Virginia knows I won't give up on this issue because of my belief. But 12 additional round-trip flights are simply not going to help, particularly the underserved airports all over America.

The GAO has found on more than one occasion that significant barriers to competition still exist at several important airports, and both at Reagan

National Airport are slot controls and the perimeter rule.

The GAO is not the only one that assesses it that way. The National Research Council's Transportation Research Board recently issued its own report on competition in the airline industry. This independent group also found that ''the detrimental effects of slot controls on airline efficiency and competition are well-documented and are too far-reaching and significant to continue.''

Based on its finding, the Transportation Research Board recommended the early elimination of slot controls. They were equally critical of perimeter rules.

As I mentioned during my opening statement, the GAO came out last month with another study confirming that Reagan National is fully capable of handling more flights without compromising safety or creating significant aircraft delays. In fact, language in the bill requires that any additional flights would have to clear the Department of Transportation's assessment so far as any impact on safety. The GAO demonstrates that their arguments against these modest changes are not persuasive. I regret this legislation doesn't do more to promote competition at Reagan National Airport.

I earlier read a statement from one of Senator ROBB's constituents who alleged that he could not afford flights out of Reagan National Airport. Also, I got another letter that was sent to the FAA aviation noise ombudsman and printed in his annual activity report. The noise ombudsman deals almost entirely with complaints about noise.

The relevant section of that report reads as follows:

> Very few citizens who are not annoyed by airplane noise take the time to publicly or privately voice an opinion. The Ombudsman received a written opinion from one such residence in the area south of National Airport which said:
>
> Recently, someone left a ''flyer'' in my mailbox urging that I contact you to complain about aircraft noise into and out of the airport. I am going to follow her format point by point.
>
> I have lived in (the area) for 35 years. I have not experienced any increase in aircraft noise. I have noticed a reduction in the loudness of the planes during that time.

That makes sense, Mr. President, since aircraft engines are quieter and quieter. The citizen says:

> I do not observe aircraft flying lower. I have not observed more aircraft following one another more closely. I have not noticed the aircraft turning closer to the airport as opposed to ''down river.'' My quality of life has not significantly been reduced by aircraft noise. In fact, in the 1960s and 1970s, the noise was much louder. I am not concerned about property values due to the level of aircraft noise. I would be very concerned if there were no noise because it would mean the airport was closed. A closure of the airport would make my neighborhood less desirable to me and to many thousands of others who like the convenience of Reagan National Airport. I am concerned about safety and environmental impacts, as everybody should be; but Reagan National Airport has a good safety record and the environmental impact is no greater here than elsewhere. I have not heard any recent neighborhood ''upset''' about the increase in airport noise. Reagan National Airport is the most convenient airport that I have ever been in. I hope you will do more to expand its benefit by expanding the range of flights in and out of it.

This is certainly another resident of Northern Virginia who has, in my view, the proper perspective. Most local residents don't get motivated to write such letters as the one I just read. Apparently, there are those who drop flyers in mailboxes asking people to write and complain.

I yield to the Senator from Virginia.

Mr. ROBB. Mr. President, I thank my colleague and friend from Arizona, with whom I agree on so many issues but disagree on this particular question. First of all, I will let the Senator know that I am not in any way affiliated or associated with an effort to get people to write the Senator from Arizona or anybody else. There may be others with good intentions. But I submit to my friend from Arizona that the letter he just read makes the point we are trying to make; that is, the letter—which I haven't seen yet—talks about it was worse back in the early 1960s when we had a slots agreement which limited the number of planes. We had a decrease in noise because of the aircraft noise levels in the stage 3 aircraft. All of this is consistent with what has happened. Why most of the individuals who live in these areas want to continue to have the protections that were afforded to them by the 1986 agreement is precisely what is included in the letter my friend from Arizona just read.

I ask my friend from Arizona to react to my reaction to a letter previously unseen, but it seems to me to be directly on point and makes the point as to why we are pursuing an attempt to keep my friend from Arizona from breaking that agreement.

Mr. MCCAIN. I thank my friend.

First of all, the gentleman said 1960s and 1970s—not just 1960s, 1970s. He said the noise was much louder in the 1970s.

In a report to Congress recently, Secretary Rodney Slater announced that the Nation's commercial jet aircraft fleet is the quietest in history and will continue to achieve record low noise levels into the next century. Obviously, with stage 3 aircraft, that noise would be dramatically lessened, thank God. I hope there is going to be a stage 4 that will make it even quieter. Clearly, it is not, because actually the number of flights have been reduced at Reagan National Airport since the perimeter rule and the slot controls were put in—because, as the Senator knows, the major airlines aren't making full use of those slots as they are really required to do by, if not the letter of the law, certainly the intent of the law.

I remind the Senator, the requirement is they all be stage 3 aircraft. New flights would have to be stage 4 aircraft.

The Senator just pointed out how stage 3 aircraft are much quieter. They would have to meet any safety studies done by the DOT before any additional flights were allowed.

Again, the GAO and the Department of Transportation—literally every objective organization that observes the situation at Reagan National Airport—say that increase in flights is called for. The perimeter rule, which was put in in a purely blatant political move, as we all know—coincidentally, the perimeter rule reaches the western edge of the runway at Dallas-Fort Worth Airport. We all know who the majority leader of the House was at that time. We all know it has been a great boon to the Dallas-Fort Worth Airport.

Why wasn't it in Jackson, MS? I think if my dear friend, the majority leader, had been there at the time, perhaps it might have.

But the fact is that the perimeter rule was artificially imposed for restraint. The Senator knows that as well as I do.

But back to his question, again, the GAO, the DOT, the Aviation Commission, and every other one indicate clearly that this is called for. I want to remind the Senator. I do with some embarrassment—12 additional flights, 12 additional round-trip flights? I think my dear friend from Virginia doth protest too much.

Mr. ROBB. Mr. President, will my friend from Arizona yield for an additional question?

Mr. MCCAIN. Yes.

Mr. ROBB. Mr. President, I ask my friend from Arizona if he would address the other two principal concerns that have been raised—delays and the breaking of a deal. He has in part addressed the breaking of a deal. He says the deal in effect was political. Indeed, there are some political implications in almost anything that is struck, particularly as it affects jurisdictions differently in this body, as the Senator well knows. But it was a deal entered into by the executive branch, Congress on both sides, the governments of the local jurisdictions involved, and all of the local communities. That was the deal that was entered into. Now we are concerned about the impact of breaking the deal and the impact of additional delays.

As I mentioned just a few minutes ago, I myself was caught in delays that were exacerbated by the fact that we had some planes waiting to take off ''right now.'' That is without any additional flight authorization during the time periods that are going to be sought.

Second, certainly the Senator from Illinois talked about the fact that the mayor of Chicago came here for a specific reception that was in his honor to benefit Chicago and was inconvenienced to the point that he didn't arrive until after the reception was over and he turned right around. I almost did that yesterday on another flight.

But the point is, more flights mean more delays and mean breaking the deal that the Congress, the executive

branch, and the local governments made with the people.

Will the distinguished Senator from Arizona address those two elements of my concern at this point? I agree certainly on the stage 3 engines and the continued noise reduction.

Mr. President, before he answers the question, let me thank him for his accommodation in many areas. I am not in any way diminishing the number of changes the Senator from Arizona has made to try to address legitimate concerns that he recognized could be addressed. And this is a less bad bill than we had earlier with respect to this particular component of it. But we are still not where the deal said we ought to be. We are still not where we can represent to the people that we are not going to be creating additional delays in an obviously constricted area.

Mr. McCAIN. I would be glad to respond very quickly. Does the Senator want an up-or-down vote on this amendment?

Mr. ROBB. The Senator would definitely like it.

Mr. McCAIN. I would like to ask the majority leader. Perhaps we can schedule it right after the lunch along with the other votes. I will ask the majority leader when he finishes his conversation. We are about to break for the lunch period. Would the majority leader agree to an up-or-down vote as part of the votes that are going to take place after the lunch?

Mr. LOTT. That would be my preference, actually, Mr. President. If the Senator will yield, I would like to get that locked in at this point, if you would like to do so.

Mr. McCAIN. I would be glad to.

Could I just very briefly respond. We have been down this track many times. Delays are due to the air traffic control system, and obviously our focus and the reason why we have to pass this bill is to increase the capability of the air traffic control system. Deals are made all the time, my dear friend. The people of Arizona weren't consulted. The people of California weren't consulted. It was a deal made behind closed doors, which is the most unpleasant aspect of the way we do business around here, where people were artificially discriminated against because they happened to live west of the Dallas-Fort Worth Airport. It is an inequity, and it is unfair and should be fixed.

Mr. LOTT. Mr. President, I ask unanimous consent that a vote on the Robb amendment be included in the stacked sequence of votes after the policy luncheon breaks.

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

Mr. LOTT. Mr. President, if I may withhold for 1 second, I am concerned that there might be another Senator who would want to be heard on this issue. If so, we will delay the vote momentarily. But I don't know that that will be necessary, so let's go ahead and go forward with the stacked vote sequence.

AMENDMENT NO. 2254, AS MODIFIED

Mr. HATCH. Mr. President, I ask unanimous consent to modify amendment No. 2254, which I filed earlier today, to conform to the previous unanimous consent agreement as it relates to aviation matters. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Insert at the appropriate place:

SEC. . ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

''(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§ 1110. Aircraft equipment and vessels

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

''(i) before the date of the order is cured before the expiration of such 60-day period;

''(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) on or after the expiration of such 60-day period is cured in compliance with the

terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

Mr. HOLLINGS. Mr. President, I rise today to discuss the Federal Aviation Administration reauthorization bill and I am pleased we will have this opportunity to consider the current state of the aviation industry and some of the enormous challenges facing our air transportation system over the next decade. I resisted efforts earlier this year to bypass Senate consideration of this major transportation bill and go directly to conference with the House when the Senate passed a short term extension bill for the Airport Improvement Program. We need to have a serious debate on the increasing demands for air transportation, the capital requirements for our future air transportation system, the availability of federal funding and whether the current structure of the aviation trust fund will meet those needs, and finally, the lack of competition and minimal service that most small and medium sized communities are faced with in this era of airline deregulation.

I want to commend Senators MCCAIN, ROCKEFELLER and GORTON for their hard work in resolving so many issues prior to bringing this bill to the floor. I am disturbed, however, by provisions in this bill which would force even more planes into an already jammed system in New York as well as Washington's National Airport. At a time when delays are at an all-time high, we continue to authorize more flights into and out of these already busy airports. I am even more perplexed at the timing of the current call to privatize our Air Traffic Control System. While certain segments of the industry support this effort, we often too quickly gravitate toward solutions such as privatization as cure all for whatever ails the system, instead of simply ensuring that the FAA has the tools and money it needs to do its job.

Aviation has become a global business and is an important part of the transportation infrastructure and a vital part of our national economy. Every day our air transportation system moves millions of people and billions of dollars of cargo. While many predicted that an economy based on advanced communications and technology would reduce our need for travel, the opposite has proved true. 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. To a large extent, growth in both domestic and international markets has been driven by the continued economic expansion in the U.S. and most world economies.

The FAA Aerospace Forecasts Report, Fiscal Years 1999–2010, was issued in March of this year and forecasts aviation activity at all FAA facilities through the year 2010. The 12-year forecast is based on moderate economic growth and inflation, and relatively constant real fuel prices. Based on these assumptions, U.S. scheduled domestic passenger emplanements are forecast to increase 50.4 percent—air carriers increasing 49.3 percent and regional/commuters growing by 87.5 percent. 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, even when compared to the increase in air travel that occurred over the last ten years. Daily enplanements are expected to grow to more than 1 billion by 2009. In 2010, there will be 828 million domestic enplanements compared to last year's 554.6 million, and there will be 230.2 million international enplanements compared to today's figure of 126.1 million. Respectively, this represents an annual growth of 3.4% and 4.95% per year. Regional and commuter traffic is expected to grow even faster at the rate of 6.4%. Total enplanements in this category should reach 59.7 million in 2010. As of September 1997, there were 107 regional jets operating in the U.S. airline fleet. In the FAA Aviation Forecasts Fiscal years 1998–2009, the FAA predicts that there will be more than 800 of these in the U.S. fleet by FY2009.

Correspondingly, the growth in air travel has placed a strain on the aviation system and has further increased delays. In 1998, 23% 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 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 $3.9 billion for 1997.

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. In 1997, the National Civil Aviation Review Commission came out with a report stating the gridlock in the skies is a certainty unless the Air Traffic Control, ATC, system and National Air Space are modernized. A system-wide delay increase of just a few minutes per flight will bring commercial operations to a halt. American Airlines published a separate study confirming these findings. A third, done by the White House Commission on Aviation Security and Safety, dated January 1997 and commonly known as the Gore Commission, recommends that modernization of the ATC system be expedited to completion by 2005 instead of 2015.

Regrettably, as the need to upgrade and replace the systems used by our air traffic controllers grows, funding has steadily decreased since 1992. In FY '92 the Facilities and Equipment account was funded at $2.4 Billion. In l997, F&E was $l.938 Billion. In 1998, the account was funded at 1.901 billion. Assuming a conservative 2015 completion date, the modernization effort requires $3 billion per year in funding for the Facilities and Equipment Account alone, the

mainspring of the modernization effort. Unfortunately, S.82 authorizes $2.689 billion for FY2000 while the Appropriations Committee has provided only $2.075 billion. We are falling short every year and losing critical ground in the race to update our national air transportation system.

Increasing capacity through technological advances is crucial to the functionality of the FAA and the aviation industry. Today, a great deal of the equipment used by the Air Traffic Controllers is old and becoming obsolete. Our air traffic controllers are the front line defense and insure the safety of the traveling public every day by separating aircraft and guiding takeoffs and landings. Our lives and those of our families, friends, and constituents are in their hands. These controllers and technicians do a terrific job. The fact that their equipment is so antiquated makes their efforts even more heroic.

We have the funds to modernize our air facilities but refuse to spend them and by doing so Congress perpetuates a fraud on the traveling public. The Airport and Airways Trust Fund, AAF, was created to provide a dedicated funding source for critical aviation programs and the money in the fund is generated solely from taxes imposed on air travelers and the airline industry. The fund was created so that users of the air transportation system would bear the burden of maintaining and improving the system. The traveling public has continued to honor its part of the agreement through the payment of ticket taxes, but the federal government has not.

Congress has refused to annually appropriate the full amount generated in the trust fund despite the growing needs in the aviation industry. The surplus generated in the trust fund is used to fund the general operations of government, similar to the way in which Congress has used surplus generated in the Social Security trust fund. At the end of FY 2000, the Congressional Budget Office predicts that there will be a cash balance of $14.047 billion in the AATF, for FY2001, it will be $16.499 billion. By FY2009, the balance will grow to $71.563 billion. Instead of using these monies to fund the operation of the general government, we should use them to fund aviation improvements, which is what we promised the American public when we enacted and then increased the airline ticket tax.

Let's get our aviation transport system up to par and let's provide ways to increase competition and maintain our worldwide leadership in aviation. Let's follow the lead of Chairman SHUSTER and Congressman OBERSTAR and vote to take the Trust Fund off-budget. I look forward to a thoughtful debate on these issues and I intend to work with Senators MCCAIN, ROCKEFELLER, and GORTON to accomplish this common goal of ensuring that the safest and most efficient air transportation system in the world stays so.

NATIONAL AIRSPACE REDESIGN

Mr. TORRICELLI. Mr. President, I rise today in support of a provision in S. 82, the FAA Reauthorization Bill, that will provide an additional $36 million over three years to the National Airspace Re-Design project, and to thank Chairman MCCAIN and Senators HOLLINGS, and ROCKEFELLER for their critical role in securing this funding.

Many of my colleagues may not realize this, but the air routes over the U.S. have never been designed in a comprehensive way, they have always been dealt with regionally and incrementally. In order to enhance efficiency and safety, as well as reduce noise over many metropolitan areas, the FAA is undertaking a re-design of our national airspace.

In an effort to deal with the most challenging part of this re-design from the outset, the FAA has decided to begin the project in the ''Eastern Triangle'' ranging from Boston through New York/Newark down to Miami. This airspace constitutes some of the busiest in the world, with the New York metropolitan area alone servicing over 300,000 passengers and 10,000 tons of cargo a day. The delays resulting from this level of activity being handled by the current route structure amount to over $1.1 billion per year.

While many of my constituents, and I am sure many of Senators HOLLINGS' and ROCKEFELLER's as well, are pleased by the FAA's decision to undertake this difficult task, they are concerned by the timetable associated with the re-design. The FAA currently estimates that it could take as long as five years to complete the project. However, my colleagues and I have been working with the FAA to expedite this process, and this additional funding will go a long way toward helping us achieve this goal.

In fact, I had originally offered an amendment to this legislation that would have required the FAA to complete the re-design process in two years, but have withdrawn it because it is my understanding that the Rockefeller provision will allow the agency to expedite this project.

I want to recognize Senator ROCKEFELLER again for including this funding in the bill, and ask Chairman MCCAIN and Senator ROCKEFELLER if it is the Committee's hope that this additional funding will be used to expedite the National Re-Design project, including the portion dealing with the ''Eastern Triangle's'' airspace.

Mr. MCCAIN. Mr. President, I begin by thanking my friend from New Jersey for his comments, and reassure him that it is the Committee's hope that the funding included in this legislation will allow us to finish the National Airspace Re-Design more expeditiously, including the ongoing effort in the Eastern Triangle.

Mr. ROCKEFELLER. Mr. President, I hope this money will be used to speed up the re-design project and finally bring some relief to the millions of Americans who use our air transportation system and live near our Nation's airports.

Mr. TORRICELLI. Mr. President, I am grateful to Chairman MCCAIN and Senator HOLLINGS and ROCKEFELLER for their cooperation and support. I look forward to collaborating with them again on this very important issue.

Mr. BENNETT. Mr. President, I rise today to express my support for the actions taken by the Commerce Committee and in particular, Chairman MCCAIN, in crafting provisions that will allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. Mr. Chairman, I commend you 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.

These limited exemptions to the perimeter rule 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, our 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 improved 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 provision 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 award 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.

I commend the Chairman and his colleagues on the Commerce Committee

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 ask unanimous consent to have printed in the RECORD a letter sent to Chairman MCCAIN on this matter signed by seven western Senators.

There being no objection, the letter was ordered to be printed—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,
U.S. Senator.
LARRY E. CRAIG,
U.S. Senator.
CONRAD BURNS,
U.S. Senator.
CRAIG THOMAS,
U.S. Senator.
ROBERT F. BENNETT,
U.S. Senator.
MIKE CRAPO,
U.S. Senator.
MAX BAUCUS,
U.S. Senator.

Mr. BYRD. Mr. President, I rise in support of the Gorton-Rockefeller amendment. This amendment makes important revisions to the underlying bill concerning the rules governing the allocation of slots at the nation's four slot-controlled airports—Chicago O'Hare, LaGuardia, Kennedy, and Reagan National Airports. The issues surrounding the application of the high density rule, and the perimeter rule, are both complex and delicate. They engender strong feelings on all sides. I believe that the bipartisan leadership of the aviation subcommittee, Senators GORTON and ROCKEFELLER, performed a service to the Senate by crafting a compromise that, while not satisfactory to all Senators, proposes a regime that is much improved over the one contained in the committee-reported bill.

Mr. President, when the Senate is in session, my wife and I reside in Northern Virginia, not far from the flight path serving Reagan National Airport. I have had misgivings about proposals to tinker with the status quo in terms of the number of flights coming into Reagan National Airport and the distances to which those flights can travel. Despite efforts to reduce the levels of aircraft noise through the advent of quieter jet engines, I can tell my colleagues that the aircraft noise along the Reagan National Airport flight path is often deafening. It can bring all family conversation to a halt. Current flight procedures for aircraft landing at Reagan National Airport from the north call on the pilots to direct their aircraft to the maximum extent possible over the Potomac River. The intent of this procedure is to minimize the noise impact on residential communities on both the Maryland and Virginia sides of the river. Notwithstanding this policy, however, too often the aircraft fail to follow that guidance. That is not necessarily the fault of the pilots. During the busiest times of the day, the requirement to stray directly over certain residential communities is necessary for safety reasons in order to maintain a minimum level of separation between the many aircraft queued up to land at Reagan National Airport. I invite my colleagues to glance up the river during twilight one day soon. There is a high probability that you will see the lights of no fewer than four aircraft, all lined up, waiting to land, one right after the other.

I appreciate very much the earlier statements made by the distinguished chairman of the Commerce Committee, Senator MCCAIN. The chairman pointed out that the Department of Transportation has indicated that safety will not be compromised through additional flights at Reagan National Airport. I remain concerned, however, regarding the current capabilities of the air traffic control tower at that airport. The air traffic controllers serving in that facility have been quite outspoken regarding the deficiencies they find with the aging and unreliable air traffic control equipment in the tower. Indeed, the situation has become so severe that our FAA Administrator, Ms. Jane Garvey, mandated that the equipment in that facility be replaced far sooner than was originally anticipated. Even so, the new equipment for that facility has, like so many other FAA procurements, suffered from development problems and extended delays. Just this past weekend, I know many of my colleagues noticed the Washington Post article discussing a further two-year delay in the FAA's deployment of equipment to minimize runway incursions—the very frightening circumstance through which taxiing aircraft or other vehicles unknowingly stray onto active runways.

Given these concerns, Mr. President, I want to commend Senators GORTON and ROCKEFELLER for negotiating a reasonable compromise on this issue. The Gorton-Rockefeller amendment will reduce by half the increased number of frequencies into Reagan National Airport than was originally sought. It will also reserve half of the additional slots for flights serving cities within the 1,250 mile perimeter. Most importantly, Mr. President, these additional slots within the perimeter will be reserved for flights to small communities, flights to communities without existing service to Reagan National Airport, and flights provided by either a new entrant airline, or an established airline that will provide new competition to the dominant carriers at Reagan National.

As my colleague from West Virginia, Senator ROCKEFELLER, knows well, no state has endured the ravages of airline deregulation like West Virginia. We have experienced a very severe downturn in the quality, quantity and affordability of air service in our state. Fares for flights to and from our state have grown to ludicrous levels. A refundable unrestricted round-trip ticket between Reagan National Airport and Charleston, West Virginia, now costs $722. Conversely, Mr. President, I can buy the same unrestricted round-trip ticket to Boston, which is 100 miles farther away than Charleston, and pay less than half that amount. By targeting the additional slots to be provided inside the perimeter to underserved communities, the Gorton-Rockefeller amendment has taken a small but important step toward addressing this problem.

At the present time, the largest airport in West Virginia does have some direct service to Reagan National. We face greater hurdles, frankly, in gaining direct access to LaGuardia Airport in New York, as well as improved service to Chicago O'Hare. The Gorton-Rockefeller amendment expands slots at those airports as well. As a member of the Transportation Appropriations Subcommittee, I intend to diligently work with Senator ROCKEFELLER, Secretary Slater and his staff, to see that West Virginia has a fair shot at the expanded flight opportunities into these slot controlled airports.

Again, in conclusion, I want to rise in support of the Gorton-Rockefeller amendment. It is a carefully crafted compromise that is a great improvement over the underlying committee bill, and gives appropriate attention to the needs of under-served communities.

KEEPING AVIATION TRUST FUND ON BUDGET

Mr. LOTT. Mr. President, I understand that the Senator from New Mexico and the Senator from Alabama had

filed four amendments that they were considering offering during Senate consideration of S. 82, the FAA reauthorization legislation. After discussions with them, with the managers of the bill and other interested Members, I understand the Members no longer feel it necessary to offer their amendments.

Mr. DOMENICI. The Leader's understanding is correct. After discussions with the managers of the reauthorization bill, I am comfortable with the assurances of the Majority Leader and the distinguished Chairman of the Commerce Committee on their commitment to preserve the current budgetary treatment for aviation accounts in the conferenced bill.

Mr. SHELBY. I, too, share the Senator's understanding, and would note that there is much to praise in both H.R. 1000 and S. 82 without regard to changing budgetary treatment of the aviation accounts. I would be very disappointed if the prospect of a multiyear reauthorization were frustrated by the House's intransigence on changing the budgetary treatment of the aviation accounts to the detriment of all other discretionary spending, including Amtrak, drug interdiction efforts of the Coast Guard, as well as many of the domestic programs funded in appropriations bills other than the one I manage as the Chairman of the Transportation appropriations subcommittee.

According to the Administration, the budget treatment envisioned in H.R. 1000 would create an additional $1.1 billion in outlays, which if it were absorbed out of the DOT budget would mean: ''elimination of Amtrak capital funding, thereby making it impossible for Amtrak to make the capital investments needed to reach self-sufficiency; and severe reductions to Coast Guard, the Federal Railroad Administration, Saint Lawrence Seaway, the Office of the Inspector General, the Office of the Secretary, and the Research and Special Programs Administration funding, greatly impacting their operations.'' Clearly, firewalls or off-budget treatment for the aviation accounts is a budget buster that would only further exacerbate the current budget problems we face staying under the spending caps.

Mr. LAUTENBERG. The Senator from Alabama and the Chairman of the Appropriations Committee make a good point. There is more at stake here than just aviation. Our experience over the last two years demonstrates that mandated increases in certain transportation accounts makes it extraordinarily difficult to fund other transportation accounts. While aviation investment is critical to the continued growth, development and quality of life of New Jersey and the Northeast, so is the continued improvement of Amtrak service and an adequately funded Coast Guard. Taking care of one mode of transportation with a firewall belies the reality and the importance of providing adequate investment in other modes of transportation—not to mention investment in other social programs.

Mr. LOTT. I share the concerns of the Senator from New Jersey and would mention that the Senator from New Mexico and the Senator from Alabama have informed me on more than one occasion that if a change in the budgetary treatment of the aviation accounts, whether off-budget or a firewall, is included in the conference report, it would make it extraordinarily difficult to consider the conference report in the Senate. If that occurs the prospect of a multi-year aviation reauthorization may disappear and we may have to settle for a simple one-year extension of the Airport Improvement Program.

Mr. DOMENICI. I associate myself with the remarks of my Leader and would also note that there has been much discussion by the proponents of changing the budgetary treatment of the FAA accounts because of the need to spend more from the airport and airways trust fund. I would like to set the record straight—for the last five years, we have spent more on the aviation accounts than the airport and airways trust fund has taken in. In addition, the Department of Transportation has estimated that we have spent in excess of $6 billion more on FAA programs than total receipts into the Airport and Airways Trust Fund over the life of the trust fund.

Mr. GORTON. My colleagues have been very clear as to their position on this issue. As a member of all three of the interested committees, Budget, Commerce, and Appropriations, I appreciate this issue from all the different perspectives. In short, I believe that we need to spend more on aviation infrastructure investment, but that increased investment should have to compete with other transportation and other discretionary spending priorities. I think the record shows that Senator SHELBY, Senator STEVENS, as well as the Senator from New Mexico and the Senator from Arizona are strong advocates for the importance of investing in airport and aviation infrastructure. I share their concern that firewalling or taking the aviation trust fund off-budget would allow FAA spending to be exempt for congressional budget control mechanisms, providing aviation accounts with a level of protection that is not warranted and I will not support such a proposition in conference.

Mr. DOMENICI. I appreciate the comment of the Senator from Washington and look forward to working with him on this important issue.

Mr. STEVENS. Mr. President, I, too, serve on more than one of the interested committees. On Commerce with the Leader, the Senator from Arizona, and the Senator from Washington, and on the Appropriations Committee with the Senator from New Mexico, the Senator from Alabama, and the Senator from Washington. No member's state relies on aviation more than does my state of Alaska. Yet, changing the budgetary treatment of the aviation accounts is, in my estimation, shortsighted and irresponsible. The FAA is to be commended, along with the airlines, for the level of safety they have contributed to achieving. However, the FAA is not known as the most efficient of agencies. Unfortunately, the FAA has had substantial problems on virtually every major, and minor, procurement and has been the subject of numerous audits and management reports that invariably call for increased accountability and oversight. Changing budgetary treatment cannot have other than a detrimental effect on the oversight efforts of the two committees of jurisdiction that I serve on. For that reason as well as the reasons mentioned by the Leader, the Senators from Alabama, New Mexico and New Jersey, I cannot support a change in budgetary treatment for the aviation accounts.

Mr. MCCAIN. Mr. President, I hear and share the views of my colleagues on this issue. Clearly, I have been tasked by the Senate and the Leader with successfully completing a conference with the House on multi-year aviation reauthorization legislation. I, too, oppose any change in budgetary treatment of the aviation accounts.

Mr. DOMENICI. I note that the Administration strongly opposes any provisions that would drain anticipated budget surpluses prior to fulfilling our commitment to save Social Security. The House bill asks us to do for aviation what isn't done for education, veterans' benefits, national defense, or environmental protection. As important as aviation investment is, it would be fiscally irresponsible of us to grant it a bye from the budget constraints we face with in funding virtually every other program.

Mr. SHELBY. The assurances of my Leader and the distinguished Chairman of the Commerce Committee are all this Senator needs, and I withdraw my filed amendments.

Mr. LOTT. I thank my colleagues.

Mr. WARNER. Mr. President, I will offer an 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.

Congress enacted legislation in 1986 to transfer ownership of Reagan National and Dulles Airports to a regional authority which included a provision to create a Congressional Board of Review.

Immediately upon passage of the 1986 Transfer Act, local community groups filed a lawsuit challenging the constitutionality of the board of review. The Supreme Court upheld the lawsuit and concurred that the Congressional Board of Review as structured as unconstitutional because it gave Members of Congress veto authority over the airport decisions. The Court ruled

that the functions of the board of review was a violation of the separation of powers doctrine.

During the 1991 House-Senate conference on the Intermodal Surface Transportation Efficiency Act (ISTEA), I offered an amendment, which was adopted, to attempt to revise the Board of Review to meet the constitutional requirements.

Those provisions were also challenged and again were ruled unconstitutional.

In 1996, in another attempt to address the situation, the Congress enacted legislation to repeal the Board of Review since it no longer served any function due to several federal court rulings. In its place, Congress increased the number of federal appointees to the MWAA Board of Directors from 1 to 3 members.

In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal Airport Improvement Program entitlement grants and the imposition of any new passenger facility charges to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

Regretfully, Mr. President, the Senate has not confirmed the three Federal appointees. Since October 1997, Dulles International and Reagan National, and its customers, have been waiting for the Senate to take action. Finally in 1998, the Senate Commerce Committee favorably reported the three pending nominations to the Senate for consideration, but unfortunately no further action occurred before the end of the session because these nominees were held hostage for other unrelated issues. Many speculate that these nominees have not been confirmed because of the ongoing delay in enacting a long-term FAA reauthorization bill.

At the beginning of the 105th Congress in January 1997, Commerce Committee held hearings and approved the three nominees for floor consideration. Unfortunately, a hold was placed on them on the Senate floor at the very end of the Congress. All three nominees were renominated by the President in January 1999. Nothing has happened since.

Mr. President, I am not here today to join in that speculation. I do want, however, to call to the attention of my colleagues the severe financial, safety and consumer service constraints this inaction is having on both Dulles and Reagan National.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any Passenger Facility Charge (PFC) applications, these airports have been denied access to over $146 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 over two years.

These critically needed funds have halted important construction projects at both airports. Of the over $146 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.

Also, I must say that I can find no justification for the Senate's delay in considering the qualifications of these nominees to serve on the MWAA Board. To my knowledge, no one has raised concerns about the qualifications of the nominees. We are neglecting our duties.

For this reason, I am introducing an amendment today to repeal the punitive prohibition on releasing Federal funds to the airports until the Federal nominees have been confirmed.

Airports are increasingly competitive. Those that cannot keep up with the growing demand see the services go to other airports. This is particularly true with respect to international services, and low-fare services, both of which are essential.

As a result of the Senate's inaction, I provide for my colleagues a list of the several major projects that are virtually on hold since October, 1997. They are as follows:

At Dulles International there are four major projects necessary for the airport to maintain the tremendous growth that is occurring there.

Main terminal gate concourse: It is necessary to replace the current temporary buildings attached to the main terminal with a suitable facility. This terminal addition will include passenger hold rooms and airline support space. The total cost of this project is $15.4 million, with $11.2 million funded by PFCs.

Passenger access to main terminal: As the Authority continues to keep pace with the increased demand for parking and access to the main terminal, PFCs are necessary to build a connector between a new automobile parking facility and the terminal. The total cost of this project is $45.5 million, with $29.4 million funded by PFCs.

Improved passenger access between concourse B and main terminal: With the construction of a pedestrian tunnel complex between the main terminal and the B concourse, the Authority will be able to continue to meet passenger demand for access to this facility. Once this project is complete, access to concourse B will be exclusively by moving sidewalk, and mobile lounge service to this facility will be unnecessary. The total cost of this project is $51.1 million, with $46.8 million funded by PFCs.

Increased baggage handling capacity: With increased passenger levels come increase demands for handling baggage. PFC funding is necessary to construct a new baggage handling area for inbound and outbound passengers. The total cost of this project is $38.7 million, with $31.4 million funded by PFCs.

At Reagan National there are two major projects that are dependent on the Authority's ability to implement passenger facility charges (PFCs).

Historic main terminal rehabilitation: Even though the new terminal at Reagan National was opened last year, the entire Capital Development Program will not be complete until the historic main terminal is rehabilitated for airline use. This project includes the construction of nine air carrier gates, renovation of historic portions of the main terminal for continued passenger use and demolition of space that is no longer functional. The total cost of this project is $94.2 million with $20.7 million to be paid for by AIP entitlement grants and $36.2 million to be funded with PFCs. Additional airfield work to accompany this project will cost $12.2 million, with $5.2 million funded by PFCs.

Terminal connector expansion: In order to accommodate the increased passengers moving between Terminals B and C (the new terminal) and Terminal A, it is necessary to expand the ''Connector'' between the two buildings. The total cost of the project is $4.8 million, with $4.3 million funded by PFCs.

Mr. President, my amendment is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles. Let's give them the ability to address consumer needs just like every other airport does on a daily basis.

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.

Under the current situation these funds have been held up. It is over $146 million, which is more or less held in escrow, pending the confirmation by the Senate of the United States of three individuals to this board.

For reasons known to this body, that confirmation has been held up. The confirmation may remain held up. But this amendment will let the moneys flow to the airports for this needed construction for safety and convenience. It is my desire that at a later

date, we can achieve the confirmation of these three new members to the board.

NATURAL RESOURCE CONSERVATION

Mr. LOTT. Mr. President, I am pleased to join my colleague from South Dakota, the minority leader, in submitting for the RECORD and acknowledging the importance of a letter we received last week from 40 of our Nation's Governors. This letter is distinctly bipartisan and the signatories represent both coastal and inland states. It unequivocally demonstrates strong national support for reinvesting a substantial portion of federal outer continental shelf (OCS) oil and gas development revenues in coastal conservation and impact assistance; open space and farmland preservation; development and maintenance of federal, state and local parks and recreation areas; and wildlife conservation. The Governors also stressed the importance of recognizing the role of state and local governments in planning and implementing these conservation initiatives.

Although the signatories to this letter did not identify specific legislation to which they are lending support, I believe that S. 25, the Conservation and Reinvestment Act of 1999, of which I am a cosponsor along with 20 other Senators, most nearly achieves the objectives outlined by the Governors. S. 25 has strong bipartisan support and offers Congress the best opportunity to pass legislation this year.

I share the belief of these Governors that the 106th Congress has a historic opportunity to demonstrate our solid commitment to natural resource conservation for the benefit of future generations. I urge my colleagues on both sides of the aisle to join hands in advancing this noble effort.

I thank the Governors for their letter. I invite the attention of my colleagues to this very important area which is a win-win-win for those who live in the coastal regions as I do, but also inland Governors who will help us with conservation and preservation.

I ask unanimous consent that this letter be printed in the RECORD.

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

SEPTEMBER 21, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.
Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.
Hon. RICHARD GEPHARDT,
Minority Leader, House of Representatives, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE AND REPRESENTATIVES HASTERT AND GEPHARDT: The 106th Congress has an historic opportunity to end this century with a major commitment to natural resource conservation that will benefit future generations. We encourage you to approve legislation this year that reinvests a meaningful portion of the revenues from federal outer continental shelf (OCS) oil and gas development in coastal conservation and impact assistance, open space and farmland preservation, federal, state and local parks and recreation, and wildlife conservation including endangered species prevention, protection and recovery costs.

Since outer continental shelf revenues come from nonrenewable resources, it makes sense to permanently dedicate them to natural resource conservation rather than dispersing them for general government purposes. Around the nation, citizens have repeatedly affirmed their support for conservation through numerous ballot initiatives and state and local legislation. We applaud both the Senate Energy and Natural Resources committee and the House Resources Committee for conducting a bipartisan and inclusive process that recognizes the unique role of state and local governments in preserving and protecting natural resources.

The legislation reported by the Committees should, to the maximum extent possible, permanently appropriate these new funds to the states, to be used in partnership with local governments and non-profit organizations to implement the various conservation initiatives. We urge the Congress to give state and local governments maximum flexibility in determining how to invest these funds. In this way, federal funds can be tailored to complement state plans, priorities and resources. State and local governments are in the best position to apply these funds to necessary and unique conservation efforts, such as preserving species, while providing for the economic needs of communities. The legislation should be neutral with regard to both existing OCS moratoria and future offshore development, and should not come at the expense of federally supported state programs.

We recognize that dedicating funds over a number of years to any specific use is a difficult budgetary decision. Nevertheless, we believe that the time is right to make this major commitment to conservation along the lines outlined in this letter.

We look forward to working with you to take advantage of this unique opportunity and are available to help ensure that this commitment is fiscally responsible. Thank you for your consideration of these legislative principles as you proceed to enact this important legislation.

Sincerely,

John A. Kitzhaber, Oregon; Mike Leavitt, Utah; Tom Ridge, Pennsylvania; Mike Foster, Louisiana; John G. Rowland, Connecticut; Parris N. Glendening, Maryland; Howard Dean, Vermont; Thomas R. Carper, Delaware; Christine Todd Whitman, New Jersey; James B. Hunt, Jr., North Carolina; Roy B. Barnes, Georgia; Jim Hodges, South Carolina; Lincoln Almond, Rhode Island; Angus S. King, Jr., Maine; Gary Locke, Washington; Argeo Paul Cellucci, Massachusetts; Cecil H. Underwood, West Virginia; Marc Rancot, Montana; Don Siegelman, Alabama; Gray Davis, California; Mel Carnahan, Missouri; Benjamin J. Cayetano, Hawaii; Jane Dru Hull, Arizona; Dirk Kempthorne, Idaho; Tony Knowles, Alaska; George H. Ryan, Illinois; James S. Gilmore III, Virginia; Jeanne Shabeen, New Hampshire; Bill Graves, Kansas; George E. Pataki, New York; Paul E. Patton, Kentucky; Tommy G. Thompson, Wisconsin; Bill Owens, Colorado; Mike Huckabee, Arkansas; Frank Keating, Oklahoma; Jim Geringer, Wyoming; Edward T. Schafer, North Dakota; Frank O'Bannon, Indiana; Kirk Fordice, Mississippi; William J. Janklow, South Dakota.

Mr. DASCHLE. Mr. President, I thank the majority leader. We recognize and applaud the desire of a number of groups and organizations in this country to take the proceeds from this non-renewable resource and reinvest a portion of these outer continental shelf revenues in the conservation and enhancement of our renewable resources.

When the Land and Water Conservation Fund was created more than thirty years ago, the intention was for revenues from off-shore oil and gas drilling to be deposited into the fund, allowing federal and state governments to protect green space, improve wildlife habitat and purchase lands for conservation purposes.

In my state of South Dakota this program has been particularly beneficial, helping local and state governments to purchase park lands and develop facilities in municipal and state parks throughout the state.

Unfortunately, the Land and Water Conservation Fund has rarely received adequate funding.

Congress has the opportunity this year to pass legislation that would finally ensure consistent funding for the Land and Water Conservation Fund and provide a permanent stream of revenue for conservation.

We applaud the efforts of the Senate Committee on Energy and Natural Resources as well as the House Committee on Natural Resources for conducting the process thus far in a fair and bi-partisan manner.

We encourage these committees to continue their progress so that Congress as a whole can debate and pass what may well be the most significant conservation effort of the century.

ORDER OF PROCEDURE

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, I may object. I have been standing here about 45 minutes waiting to speak. I thought we were going to go back and forth across the aisle. I want to speak on the bill, not as in morning business. Since I like the Senator from Utah so much, I will not object. I wanted to make my point.

The PRESIDING OFFICER. Is the Senator from Iowa requesting time to speak?

Mr. HARKIN. I did not hear the request.

The PRESIDING OFFICER. Is the Senator from Iowa requesting, as part

of the unanimous consent request, an opportunity to speak?

Mr. HARKIN. If I can follow the Senator from Utah for 10 minutes, yes, I request to speak.

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

Mr. HATCH. Mr. President, I thank my colleague, and I apologize. I did not realize he had been standing here all this time.

NOMINATION OF TED STEWART TO BE DISTRICT JUDGE FOR THE DISTRICT OF UTAH

Mr. HATCH. Mr. President, it is a great pleasure for me to support the confirmation of a judicial candidate who is the epitome of good character, broad experience, and a judicious temperament.

First, however, I think it appropriate that I spend a moment to acknowledge the minority for relenting in what I consider to have been an ill-conceived gambit to politicize the judicial confirmations process. My colleagues appear to have made history on September 21 by preventing the invocation of cloture for the first time ever on a district judge's nomination.

This was—and still is—gravely disappointing to me. In a body whose best moments have been those in which statesmanship triumphs over partisanship, this unfortunate statistic does not make for a proud legacy.

My colleagues, who were motivated by the legitimate goal of gaining votes on two particular nominees, pursued a short-term offensive which failed to accomplish their objective and risked long-term peril for the nation's judiciary. There now exists on the books a fresh precedent to filibuster judicial nominees with which either political party disagrees.

I have always, and consistently, taken the position that the Senate must address the qualifications of a judicial nominee by a majority vote, and that the 41 votes necessary to defeat cloture are no substitute for the democratic and constitutional principles that underlie this body's majoritarian premise for confirmation to our Federal judiciary.

But now the Senate is moving forward with the nomination of Ted Stewart. I think some of my colleagues realized they had erred in drawing lines in the sand, and that their position threatened to do lasting damage to the Senate's confirmation process, the integrity of the institution, and, of course, the judicial branch of Government.

The record of the Judiciary Committee in processing nominees is a good one. I believe the Senate realized that the Committee will continue to hold hearings on those judicial nominees who are qualified, have appropriate judicial temperament, and who respect the rule of law. I had assured my colleagues of this before we reached this temporary impasse and I reiterate this commitment today.

This is not a time for partisan declarations of victory, but I am pleased that my colleagues revisited their decision to hold up the nomination. We are proceeding with a vote on the merits on Ted Stewart's nomination, and we will then proceed upon an arranged schedule to vote on other nominees in precisely the way that was proposed prior to the filibuster vote.

Ultimately, it is my hope for us, as an institution, that instead of signaling a trend, the last 2 weeks will instead look more like an aberration that was quickly corrected. I look forward to moving ahead to perform our constitutional obligation of providing advice and consent to the President's judicial nominees.

And now, I would like to turn our attention to the merits of Ted Stewart's nomination. I have known Ted Stewart for many years. I have long respected his integrity, his commitment to public service, and his judgment. And I am pleased that President Clinton saw fit to nominate this fine man for a seat on the United States District Court for the District of Utah.

Mr. Stewart received his law degree from the University of Utah School of Law and his undergraduate degree from Utah State University. He worked as a practicing lawyer in Salt Lake City for 6 years. And he served as trial counsel with the Judge Advocate General in the Utah National Guard.

In 1981, Mr. Stewart came to Washington to work with Congressman JIM HANSEN. His practical legal experience served him well on Capitol Hill, where he was intimately involved in the drafting of legislation.

Mr. Stewart's outstanding record in private practice and in the Legislative Branch earned him an appointment to the Utah Public Service Commission in 1985. For 7 years, he served in a quasi-judicial capacity on the Commission, conducting hearings, receiving evidence, and rendering decisions with findings of fact and conclusions of law.

Mr. Stewart then brought his experience as a practicing lawyer, as a legislative aide, and as a quasi-judicial officer, to the executive branch in State government. Beginning in 1992, he served as Executive Director of the Utah Departments of Commerce and Natural Resources. And since 1998, Mr. Stewart has served as the chief of staff of Governor Mike Leavitt.

Throughout Mr. Stewart's career, in private practice, in the legislative branch, in the executive branch, and as a quasi-judicial officer, he has earned the respect of those who have worked for him, those who have worked with him, and those who were affected by his decisions. And a large number of people from all walks of life and both sides of the political aisle have written letters supporting Mr. Stewart's nomination.

James Jenkins, former President of the Utah State Bar, wrote, ''Ted's reputation for good character and industry and his temperament of fairness, objectivity, courtesy, and patience [are] without blemish.''

Utah State Senator, Mike Dmitrich, one of many Democrats supporting this nomination, wrote, ''[Mr. Stewart] has always been fair and deliberate and shown the moderation and thoughtfulness that the judiciary requires.''

I understand that the American Bar Association has concluded that Ted Stewart meets the qualifications for appointment to the federal district court. This sentiment is strongly shared by many in Utah, including the recent president of the Utah State Bar. For these reasons, Mr. Stewart was approved for confirmation to the bench by an overwhelming majority vote of the Judiciary Committee.

To those who contend Mr. Stewart has taken so-called anti-environmental positions, I say: look more carefully at his record. Mr. Stewart was the director of Utah's Department of Natural Resources for 5 years, and the fact is that his whole record has earned the respect and support of many local environmental groups.

Indeed, for his actions in protecting reserve water rights in Zion National Park, Mr. Stewart was enthusiastically praised by this administration's Secretary of the Interior.

Consider the encomiums from the following persons hailing from Utah's environmental community:

R.G. Valentine, of the Utah Wetlands Foundation, wrote, ''Mr. Stewart's judgment and judicial evaluation of any project or issue has been one of unbiased and balanced results.''

Don Peay, of the conservation group sportsmen for Fish and Wildlife, wrote, ''I have nothing but respect for a man who is honest, fair, considerate, and extremely capable.''

Indeed, far from criticism, Mr. Stewart deserves praise for his major accomplishments in protecting the environment.

Ultimately, the legion of letters and testaments in support of Mr. Stewart's nomination reflects the balanced and fair judgment that he has exhibited over his long and distinguished career. Those who know Ted Stewart know he will continue to serve the public well.

On a final note, Ted Stewart is needed in Utah. The seat he will be taking has been vacant since 1997. So I am deeply gratified that the Senate is now considering Mr. Stewart for confirmation.

I am grateful to my colleagues on both sides of the aisle who helped get this up and resolve what really was a very serious and I think dangerous problem for the Senate as a whole and for the judiciary in particular.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Iowa for up to 10 minutes.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. HARKIN. I thank the President for this time and his indulgence while

I take my 10 minutes when I know we are supposed to be recessing for our luncheon caucuses. I appreciate the indulgence of the Senator from Wyoming.

I want to take a few minutes to talk about the managers' amendment, the slot amendment that provides for a two-step process for the elimination of airline slots for landing and takeoff rights at O'Hare, Kennedy, and LaGuardia Airports.

Senator GRASSLEY and I have been working on this for quite awhile together. I am pleased we have been able to work closely with Chairman MCCAIN, with Senator ROCKEFELLER, Senator GORTON, and others on the development of this proposal.

It is an important step toward eliminating a major barrier to airline competition. Not only must we eliminate the barrier, but we have to do it in a way that mitigates against the long-term effects of a Government-imposed slot rule. Under the current rules, most smaller airlines have, in effect, a far more difficult time competing, in part, because of the slot rule.

In the first phase of the proposal, in the managers' amendment, small airlines will be allowed immediate expanded access to the airports. Again, this will help stimulate increased competition and lower ticket prices. Turboprop and regional jet aircraft will also be allowed immediate slot exemptions when they serve smaller markets. This will increase airline service available to smaller cities, especially cities west of the Mississippi, such as the Presiding Officer's cities in Wyoming, or Nebraska or the Dakotas or Iowa, or places such as that.

The two-step mechanism in the bill has the support of 30 attorneys general, the Business Travel Coalition, and the Air Carrier Association of America which represents many of the smaller airlines.

After that first phase, in the final step—after a number of years when the new competitive airlines might get a chance to establish a foothold and smaller cities would have established better service—the slot rules will be ended at O'Hare, Kennedy, and LaGuardia Airports.

Again, I commend Chairman MCCAIN for working so closely with us on this issue. Chairman MCCAIN had a field hearing in Des Moines on April 30 of this year to hear firsthand how the current system affects small- and medium-sized cities. Senator MCCAIN has worked hard to move forward a proposal which I believe will significantly increase competition.

I also thank Senator GORTON, and my colleague, Senator ROCKEFELLER from West Virginia, for their considerable efforts. These Senators have shown a keen interest in the problems unique to smaller cities and rural areas where adequate service is a paramount issue.

The provision has a number of items that address the noise implications of eliminating the slot rule near the three airports. I believe this final language is an excellent compromise. I am pleased that the structure of our original proposal is largely intact. I was also pleased that the House moved in June to eliminate the slot rule at these airports. I think the Senate provision improves on that.

Access to affordable air service is essential to efficient commerce and economic development in States with a lot of small communities. Again, Americans have a right to expect this. Airports are paid for by the traveling public through taxes and fees charged by the Federal Government and local airport authorities. Unfortunately, when deregulation came through in 1978, there was no framework put in place to deal with anticompetitive practices. A lot of these outrageous practices have become business as usual.

What happened? We went through deregulation in 1978; and then in 1986 the DOT gave the right to land and take off under these slots to those that used them as of January 21, 1986. So what happened was, when the Secretary of DOT, in 1986 said, here, airlines, these are your slots, it locked them into those airports, and it effectively locked out competition in the future. It was, in fact, a give-away. I always said this was a give-away of a public resource. These airports do not belong to the airlines. They belong to us. They belong to the people of this country.

So what has happened is that over the years these airlines have been able to lock them up. So we have this slot system. The slot system came in in the late 1960s because the air traffic control system was getting overwhelmed with the number of flights then being handled. So they had a slot system.

Just the reverse is true today. With the modernization of our air traffic control system—with global positioning satellites, GPSs, all of the other things we have, the communications systems, our air traffic control system, and the ongoing modernization of it—we can handle it. We do not need the slots any longer.

However, rather than just dropping them right away, we need to mitigate against the damage that has been caused by the slots. That is why we need to have a phaseout, a two-step phaseout—a phaseout that would both phase out the slots but at the same time include, in that first phase, turboprops that serve smaller cities, new airlines that would start up with small regional jets that would serve some of the smaller cities that have been cut out of this for the last almost 20 years—well, I guess 14 years now since 1986.

So, again, many airlines have monopolies in markets, especially if they control a hub airport. Local airport authorities at major hub airports do very little to encourage small carriers to use hub airports. It is no surprise that big airlines would rather see gates empty than lease them to competitors. Dominant carriers flood the market with cheap seats to destinations served by small carriers. They maintain the low price until the day the small carrier is gone.

This happened in Des Moines with Vanguard Airlines. We had a new airline that started. What happened? United and American, flying to Chicago, dropped their fares by over half, dropped their fares down to below what Vanguard could do. The travelers were happy, but Vanguard could only afford to do that for so long, and then they went out of business. As soon as they went out of business, what did United and American do? They upped their fares 83 percent. That is what they were doing to stifle competition.

I believe that allowing new entrant carriers, such as Vanguard, Access Air, and others that may be coming along, easier access to O'Hare from cities such Des Moines, and the Quad Cities—Moline, Rock Island, Bettendorf, and Davenport and others, will be a step in the right direction toward helping economic development and growth and providing for lower airfares for our people.

The amendment of the managers opens up the opportunity for direct service into LaGuardia, important to cities such as Des Moines and Cedar Rapids and the Quad Cities.

Again, the Quad Cities recently lost American Airlines' service to O'Hare because of the slot rule. American Airlines decided to fly their new regional jet between Omaha and O'Hare. Normally, this would not have had an impact on Quad Cities' service to O'Hare, but under the slot rule, Quad Cities lost American Airlines' service entirely. They entirely lost it.

Without the slot limitation, Quad Cities would be a profitable market for American or any other airline. But the area did not make the cut with a limited number of landing rights available under the existing slot rule. Again, economic decisions are not based upon what they can expect to get from a market; it is based upon the slot rule. That is skewing the economic decisions made by airlines and by small community airports.

So again, for our area, for Iowa, for areas west of the Mississippi—I am sure for Wyoming and for West Virginia—we need to change this system, but we need to do it in a way that does not lock in the past anticompetitive activities of the larger airlines.

Right now, Sioux City, IA, does not have service to O'Hare. It is the No. 1 destination of its business travelers. So, again, what is this doing? It hurts economic development and stifles competition in Sioux City.

Again, I urge the Senate to support the managers' amendment. Doing so will lower airfares, it will improve air service to small- and medium-sized cities across the Nation, and it will allow for economic decisions to be based on economics and not upon an outdated, outmoded, anticompetitive slot rule.

I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. HATCH. Mr. President, I rise to address the nomination of Judge Ronnie Lee White, of Missouri, to the United States District Court for the Eastern District of Missouri. We have heard thorough discussions of the nominee by the distinguished Senators from Vermont and from Missouri. In coming to my decision on this nominee, I have considered the fairness of the process under which Judge White has been reviewed, the deference due to the President, and the deference due to the Senators from the nominee's home State. This is a very difficult case.

As chairman of the Judiciary Committee, I have conducted thorough hearings and reviewed nominees in a fair and even-handed manner. As a result, we have seen a hearings process that does not include personal attacks on nominees and that maintains the institutional integrity of the Senate. On numerous occasions, even when several of my Republican colleagues voted against nominees, I maintained a fair process free from personal attacks on nominees. This was the case with Judge White. The committee held a fair and objective hearing on Judge White and thoroughly reviewed his record.

In considering any nomination, I believe that the President, in whom the Constitution vests the nominations power, is due a large degree of deference. Even though there are a large number of the President's nominees that I would not have nominated had I been President, I have supported these nominees in obtaining a floor vote because in my view, the Constitution requires substantial deference to the President.

Of course, the more controversial a nominee is, the longer it takes to garner the consensus necessary to move such a nominee out of committee. Such is the case with Judge White. I supported Judge White coming to the floor on two occasions. In the last vote in committee, no fewer than six of my Republican colleagues voted against reporting Judge White to the floor. At that point, however, I gave the President the deference of allowing a vote on his nominee and voted to report Judge White.

I must say that I am deeply disappointed by the unjust accusations from some that this body intentionally delays nominees, such as Judge White, based on their race. As the administration is well aware, it is not a nominee's race or gender that slows the process down, but rather the controversial nature of a nominee based on his or her record.

Indeed, nominees such as Charles Wilson, Victor Marrero, and Carlos Murguia, minority nominees, and Marryanne Trump Barry, Marsha Pechman, and Karen Schrier, female nominees, had broad support and moved quickly through the committee and were confirmed easily on the floor. And, although the committee does not keep race and gender statistics, a brief review of the committee's record so far this session shows that a large proportion of the nominees reported to the floor and confirmed consists of minorities and women. I categorically reject the allegation that race or gender, as opposed to substantive controversy, has ever played any role whatsoever in slowing down any nominee during my tenure as chairman.

After a fair and thorough review in committee and after paying the deference to the President to obtain a vote on the floor, I consider the position of a nominee's home State Senators. These Senators are in a unique position to evaluate whether a nominee instills the confidence in the people of a State necessary to be a successful Federal judge in that State. This is especially true for a district judge nominee whose jurisdiction, if confirmed, would be wholly limited to that particular State. Thus, there has developed a general custom and practice of my giving weight to the Senators from a nominee's home State.

There have been several instances where—notwithstanding some serious reservations on my part—I voted to confirm district court nominees because the Senators from the nominees home State showed strong, and in some cases, bipartisan support. The nominations of Keith Ellison, Allen Pepper, Anne Aiken, Susan Mollway, and Margaret Morrow are examples of where I supported contested district court nominees and relied on the view of the home-State Senators in reaching my decision.

While I have harbored great concerns on the White nomination, I withheld my final decision until I had the benefit of the view of my colleagues from Missouri. I was under the impression that one of my colleagues might actually support the nomination, so I felt that the process should move forward—and it did.

Since the committee reported Judge White to the floor of the Senate, however, both of the Senators from Missouri have announced their opposition to confirming Judge White. Also, since the committee reported this nominee to the floor, the law enforcement community of Missouri has indicated serious concerns, and in some cases, open opposition to the nomination of Judge Ronnie White. And indeed, I have been informed that the National Sheriffs Association opposes this nomination. Opposition is mounting and it would perhaps be preferable to hold another hearing on the nomination. But if we must move forward today, it is clear to me that Judge White lacks the home-State support that I feel is necessary for a candidate to the Federal district court in that State.

For me, this case has been a struggle. On the one hand, Judge White is a fine man and the President is due a fair amount of deference. On the other hand, we are faced with the extremely unusual case in which both home State Senators, after having reviewed the record, are opposing this nomination on the floor.

Of course, had the President worked more closely with the two Senators from Missouri and then nominated a less problematic candidate, we would not be in this predicament. But the President did not.

When a nominee has a record of supporting controversial legal positions that call into question his, or her, respect for the rule of law, it takes longer to gain the consensus necessary to move the nominee. When the President has not adequately consulted with the Senate, it takes longer to gain the consensus necessary to move the nominee. And when both home State Senators of a nominee oppose as nominee on the floor of the Senate, it is almost impossible to vote for the confirmation of that nominee.

Regretfully, such is the case with Judge White. Judge White has written some controversial opinions, especially on death penalty cases that have caused some to question his commitment to upholding the rule of law. The President has not garnered broad support for Judge White. And both Senator ASHCROFT and Senator BOND oppose this nomination. It would have been better for all parties concerned—the President, the Senate, the people of Missouri, and Judge White, had we been able to reach this decision earlier. But I cannot rewrite the past.

After a painstaking review of the record and thorough consultation with the nominee's home State Senators, I deeply regret that I must vote against the nomination of Judge White. This is in no way a reflection of Judge White personally. He is a fine man. Instead, my decision is based on the very unusual circumstances in which the President has placed this body. I must defer to my colleagues from Missouri with respect to a nominee whose jurisdiction, if confirmed, would be wholly limited to that State.

I call on the President to nominate another candidate for the Eastern District of Missouri. He should do so, however, only after properly consulting with both Missouri Senators and thus respecting the constitutional advice and consent duties that this body performs in confirming a nominee who will serve as a Federal judge for life.

Mr. BOND. After discussing this difficult decision with Missouri constituents, the Missouri legal community, and the Missouri law enforcement community, I have determined that Ronnie White is not the appropriate candidate to serve in a lifetime capacity as a U.S. district judge for eastern Missouri.

The Missouri law enforcement community, whose views I deeply respect, has expressed grave reservations about Judge White's nomination to the Federal bench. They have indicated to me their concern that Judge White might use the power of the bench to compromise the strength of law enforcement efforts in Missouri.

Given the concerns raised by those in Missouri's law enforcement community, who put their lives on the line on a daily basis, and those in Missouri's legal community, who are charged with protecting our system of jurisprudence, I am compelled to vote against Judge White's confirmation.

Mr. SMITH of New Hampshire. Mr. President, I am opposed to the nominations of Raymond Fisher to the United States Court of Appeals for the Ninth Circuit and Ronnie White to the Eastern District of Missouri.

Our judicial system is supposed to protect the innocent and ensure justice, which is what it has done for the most part for over 200 years. However, there have been glaring exceptions: the Dred Scott decision, which ruled that blacks were not citizens and had no rights which anyone was bound to respect, and Roe versus Wade, which similarly ruled that an entire class of people, the unborn, are not human beings and therefore are undeserving of any legal protection.

Both decisions, made by our Nation's highest court, violated two key constitutional provisions for huge segments of the population. Dred Scott, which legally legitimized slavery, deprived nearly the entire black population of the right to liberty, while Roe has taken away the right to life of 35 million unborn children since 1973. Both created rights, the right to own slaves and the right to an abortion, that were not in the Constitution. Of course, both are morally and legally wrong. Sadly, only Dred has been overturned, by the 13th and 14th amendments. Congress and the courts have yet to reverse Roe.

The only requirement, the only standard that I have for any judicial nominees is that they not view ''justice'' as the majorities did in Dred Scott and Roe, and that they uphold the standards and timeless principles so clearly stated in our Constitution.

Unfortunately, I do not believe that Mr. White and Mr. Fisher meet those critical standards. During the committee hearings, Mr. Fisher fully indicated to me that he would uphold the constitutional and moral travesties of Roe and Planned Parenthood versus Casey. Mr. White has also given answers which strongly suggest that he believes Roe was correctly decided by the Supreme Court. In addition, Mr. White's dubious actions as chairman of a Missouri House committee when a pro-life bill was before it further proves that he would enthusiastically enforce the pro-abortion judicial decree of Roe versus Wade.

The Framers of our Constitution believed we are endowed by our Creator with certain unalienable rights. Roe not only violates the 5th and 14th amendments, it violates the first and most fundamental right that we have as human beings and no court, liberal or conservative, can take away that right.

As a U.S. Senator, I recognize the awesome responsibility that we have to confirm, or deny, judicial nominees. I recognize the solemn obligation that we have to make sure that our Federal courts are filled only with judges who uphold and abide by the transcendent ideals explicitly stated in our Constitution and the Bill of Rights. The judges we confirm or deny will be among the greatest and far-reaching of our legacies, and I for one do not ever want my legacy to be that I confirmed pro-abortion judges to our Nation's courts.

This is why I will not support the nominations of Mr. White and Mr. Fisher. I will not support any judges who deny the undeniable connection that must exist, in a free and just civilization, between humanity and personhood. Our judges should be the very embodiment of justice. How can we then approve of those who will deny justice to most defenseless and innocent of us all?

But, further, I would add that these nominees propose a more general concern in that they are liberal activists. In the case of Justice White, who now serves on the Supreme Court in Missouri, he has demonstrated that he is an activist, and has a political slant to his opinions in favor of criminal defendants and against prosecutors. It is my belief that judges should interpret the law, and not impose their own political viewpoints.

He is strongly opposed by the law enforcement community in Missouri, and was directly opposed by the Missouri Association of Police Chiefs due to his activist record.

Senator ASHCROFT spoke in more detail about Justice White's activist record. Coming from the same State, Senator ASHCROFT is in an even better position to comment on Justice White's record. But, he laid out a very disturbing record of judicial activism in Justice White's career, particularly on law and order matters, and I simply do not think that this is the kind of person we need on the U.S. District Court.

With regard to Mr. Fisher, this is a critical slot because of the nature of the Ninth Circuit. This circuit has gained such a bad reputation for its liberal opinions that it has been referred to as a ''rogue'' circuit. It is controlled by an extreme liberal element and it is important that our appointments to this circuit be people who can restore at least some level of constitutional scrutiny.

In the case of Mr. Fisher, this clearly will not be the case. He is not a judge, and therefore, there is not the kind of judicial paper trail that we have with Justice White. However, he has a long record of liberal political activism for causes that run contrary to the Constitution. If he is willing to thwart the Constitution in his political activism, what makes us think he will uphold it in his judicial opinions. He took an active role in supporting the passage of proposition 15 in California regarding registration of handguns. This kind of hostility to the second amendment will not make matters any better on the Ninth Circuit. He very actively supported employment benefits for homosexual partners, and I found him to be very evasive in his responses to questions during the Committee hearings. Given the importance of this circuit and its demonstrated bias toward the left, this nominee, who himself is a liberal activist, is not the right person to help restore some constitutionality to this circuit.

So, I would urge my colleagues to vote against these two judges. We have sworn duty to support and defend the Constitution. This is never more critical than when we exercise our advise and consent role for judicial nominees.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION OF RONNIE L. WHITE

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senate will now go into executive session and proceed to the vote on Executive Calendar Nos. 172, 215 and 209 which the clerk will report.

The legislative clerk read the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on each nomination with one showing of hands.

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

Mr. HATCH. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

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

The result was announced—yeas 45, nays 54, as follows:

(Rollcall Vote No. 307 Ex.)

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	McCain	Warner

NOT VOTING—1

Mack

Mr. ASHCROFT. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for 1 minute.

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

Mr. LEAHY. Mr. President, I have to say this with my colleagues present. When the full history of Senate treatment of the nomination of Justice Ronnie White is understood, when the switches and politics that drove the Republican side of the aisle are known, the people of Missouri and the people of the United States will have to judge whether the Senate was unfair to this fine man and whether their votes served the interests of justice and the Federal courts.

I am hoping—and every Senator will have to ask himself or herself this question—the United States has not reverted to a time in its history when there was a color test on nominations.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I use leader time for 1 minute in response.

With regard to nominations, judicial or otherwise, I am sure the Senate would never use any basis for a vote other than the qualifications and the record of the nominee. And just so the record will be complete, as a matter of fact, of the 19 nominees who have been confirmed this year, 4 of them have been women, 1 of them African American, and 3 of them have been Hispanic. Their records and the kind of judges these men and women would make are the only things that have been a factor with the Senate and are the only things that should ever be a factor.

I ask unanimous consent that the remaining votes in the series be limited to 10 minutes each.

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

Mr. DASCHLE. Mr. President, I rise to express how saddened I am by the party-line vote against Judge Ronnie White today. I had sincerely hoped that today would mark the beginning of a bipartisan attempt to clear the backlog of federal judicial nominees and begin to fill the vacancies that are rampant throughout the federal judiciary. I was mistaken. Instead, we got a party-line vote against a qualified minority judge coupled with a continued refusal to schedule votes on other qualified minority and women nominees.

Judge White is eminently qualified to sit on the federal bench. He is a distinguished jurist and the first African-American to serve on the Missouri Supreme Court. Prior to his service on Missouri's Supreme Court, Judge White served as a State Representative to the Missouri Legislature, where he chaired the Judiciary Committee. In his law practice, which he continued during his service as a legislator, White handled a variety of civil and criminal matters for mostly low income individuals. His nomination received the support of the St. Louis Metropolitan Police Department, the Saint Louis Post Dispatch, and the National Bar Association. He is a fine man who has given his life to public service and he deserved better than what he got from this Senate. He deserved better than to be kept waiting 27 months for a vote, and then to be used as a political pawn.

This vote wasn't about the death penalty. This vote wasn't about law and order. This vote was about the unfair treatment of minority judicial nominees. This vote tells minority judicial candidates ''do not apply.'' And if you do, you will wait and wait, with no guarantee of fairness.

Judge Marsha Berzon, for instance, has been kept waiting more than 20 months for a vote. Judge Richard Paez has been waiting more than 44 months. These nominees deserve a vote. While I am totally dismayed by what happened here today with respect to Judge White's nomination, the Senate today functioned, albeit in a partisan, political manner.

As Chief Justice Rehnquist has recognized: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.'' An up-or-down vote, that is all we ask for Berzon and Paez. And, after years of waiting, they deserve at least that much. The Republican majority should not be allowed to cherry-pick among nominees, allowing some to be confirmed in weeks, while letting other nominations languish for years. Accordingly, I vow today, that we Democrats just will not allow Paez and Berzon to be forgotten.

As I have in the past, I will again move to proceed to the nominations of Judge Paez and Marsha Berzon, and I intend to take this action again and again should unnamed Senators continue to block a vote. Particularly after today's vote, I must say, I find it simply baffling that a Senator would vote against even voting on a judicial nomination. Today's actions prove that we all understand that we have a constitutional outlet for antipathy against a judicial nominee—a vote against that nominee. What the Constitution does not contemplate is for one or two Senators to grind a nomination to a halt on the basis of a ''secret'' hold. This cowardly, obstructionist tactic is an anathema to the traditions of the Senate. Thus, today, I implore, one more time, every Senator to follow Senator LEAHY's advice, and treat every nominee ''with dignity and dispatch.'' Lift your holds, and let the Senate vote on every nomination.

The business of judges is the simple but overwhelmingly important business of providing equal justice to the poor and to the rich. Accordingly, the consequences of this confirmation process are awesome. It is time that we all take it more seriously and it is time that we schedule votes on every nominee on the Calendar—including Judge Paez and Marsha Berzon. All we are asking of our Republican colleagues is to give these nominees the vote—and hopefully the fair consideration—they deserve. We will press this issue every day and at every opportunity until they get that vote.

Today is a dark day for the Senate. We have voted down a fully-qualified nominee but I hope we can do better in the future and that we can move forward on the Paez and Berzon nominations in a fair and non-partisan manner.

The PRESIDING OFFICER. The Clerk will report the next nomination, Calendar No. 215.

The legislative clerk read the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—93

Abraham	Ashcroft	Biden
Akaka	Bayh	Bingaman
Allard	Bennett	Bond

Breaux	Gramm	McConnell
Brownback	Grams	Moynihan
Bryan	Grassley	Murkowski
Bunning	Gregg	Murray
Burns	Hagel	Nickles
Byrd	Harkin	Reed
Campbell	Hatch	Reid
Chafee	Helms	Robb
Cleland	Hollings	Roberts
Cochran	Hutchinson	Rockefeller
Collins	Hutchison	Roth
Conrad	Inhofe	Santorum
Coverdell	Inouye	Sarbanes
Craig	Jeffords	Schumer
Crapo	Kennedy	Sessions
Daschle	Kerrey	Shelby
DeWine	Kerry	Smith (NH)
Dodd	Kohl	Smith (OR)
Domenici	Kyl	Snowe
Dorgan	Landrieu	Specter
Durbin	Lautenberg	Stevens
Edwards	Leahy	Thomas
Enzi	Levin	Thompson
Feinstein	Lieberman	Thurmond
Fitzgerald	Lincoln	Torricelli
Frist	Lott	Voinovich
Gorton	Lugar	Warner
Graham	McCain	Wyden

NAYS—5

Boxer	Johnson	Wellstone
Feingold	Mikulski	

NOT VOTING—2

Baucus	Mack

The nomination was confirmed.

NOMINATION OF RAYMOND C. FISHER

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report the next nomination.

The legislative assistant read the nomination of Raymond C. Fisher, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Raymond C. Fisher, of California, to be United States Circuit Judge for the Ninth Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 309 Ex.]

YEAS—69

Abraham	Edwards	Lieberman
Akaka	Feingold	Lincoln
Ashcroft	Feinstein	Lugar
Bayh	Fitzgerald	McCain
Bennett	Frist	Mikulski
Biden	Gorton	Moynihan
Bingaman	Graham	Murray
Bond	Grassley	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Bryan	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Voinovich
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NAYS—29

Allard	Burns	Craig
Brownback	Campbell	Crapo
Bunning	Coverdell	Enzi
Gramm	Inhofe	Sessions
Grams	Lott	Shelby
Gregg	McConnell	Smith (NH)
Hagel	Murkowski	Thomas
Helms	Nickles	Thompson
Hutchinson	Roberts	Warner
Hutchison	Santorum	

NOT VOTING—2

Baucus	Mack

The nomination was confirmed.

Mr. LEAHY. Mr. President, I want to congratulate Ray Fisher on his Senate confirmation. I will miss Ray and Nancy here in Washington, but know that the Ninth Circuit will greatly benefit from his service there.

Finally, I congratulate Ted Stewart on his confirmation and Senators HATCH and BENNETT, who have worked hard to get him confirmed expeditiously. I trust that Mr. Stewart will honor the commitments that he made to the Judiciary Committee to avoid even the appearance of impropriety on matters on which he has worked while in State government.

I said on the Senate floor last night that this body's recent treatment of women and minority judicial nominees is a badge of shame. I feel that we added to that shame with today's vote of Justice Ronnie White.

In their report entitled ''Justice Held Hostage,'' the bipartisan Task Force on Federal Judicial Selection from Citizens for Independent Courts, co-chaired by Mickey Edwards and Lloyd Cutler, substantiated through their independent analysis what I have been saying for some time: Women and minority judicial nominations are treated differently by this Senate and take longer, are less likely to be voted on and less likely to be confirmed.

Judge Richard Paez has been stalled for 44 months, and the nomination of Marsha Berzon has been pending for 20 months. Other nominees are confirmed in 2 months.

Anonymous Republican Senators continue their secret holds on the Paez and Berzon nominations. The Republican majority refuses to vote on those nominations. In fairness, after almost 2 years and almost 4 years, Marsha Berzon and Judge Richard Paez are entitled to a Senate vote on their nominations. Vote them up or vote them down, but vote. That is what I have been saying, that is what the Chief Justice challenged the Republican Senate to do back in January 1998.

I can assure you that there is no Democratic Senator with a hold on Judge Paez or Marsha Berzon. I can assure you that every Democratic Senator is willing to go forward with votes on Judge Paez and Marsha Berzon now, without delay.

Last Friday, Senator LOTT committed to trying to ''find a way'' to have these nominations considered by the Senate. I want to help him do that.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

JUDICIAL NOMINATIONS

Mr. NICKLES. Mr. President, before we return to the consideration of the FAA reauthorization bill, I would like to make a couple of comments. Raymond Fisher, just confirmed to the Ninth Circuit, is the 323rd judge who has been confirmed since President Clinton has been in office. 195 of those judges have been confirmed since Republicans took control of the Senate in 1995.

Judge Ronnie White is the first nominee, I believe, to be rejected on the floor since Republicans took control of the Senate. One of our colleagues said that he hoped that we are not returning to a ''color test.'' That is what was said. I am offended by that statement. Many people on our side of the aisle didn't know what race Judge White is. We did know that 77 of Missouri's 114 sheriffs were opposed to his nomination. We did find out that two State prosecutors' offices raised their objections. We did know there was a letter from the National Sheriffs Association opposing his nomination.

I believe that we have been very consistent, at least on this side of the aisle. We do not want to confirm a nominee where you have major law enforcement organizations and leading officials saying they are opposed to the nomination, regardless of what race he or she is. I do not believe the Senate has ever confirmed anyone when national law enforcement organizations or officials have stated that the nominee has a poor or weak background in law enforcement. To my knowledge, I have never voted to confirm any such nominee, nor have many other members.

I want to make it absolutely clear and understood that members voted no on Judge White's nomination because of the statements made by law enforcement officers, in addition to the respect that we have for the two Senators from the nominee's state who recommended a no vote. We respect their recommendation to us. So I make mention of that.

I am bothered that somebody said I hope we are not returning to a ''color test.'' That statement was uncalled for and, I think, not becoming of the Senate. I want to make sure that point is made.

Mr. SCHUMER. Mr. President, will the Senator from Oklahoma yield?

Mr. NICKLES. I would be happy to yield.

Mr. SCHUMER. I thank the Senator. I just want to say a few words not in response but maybe in contraposition to what the Senator said.

Mr. NICKLES. I will be happy to yield for a question.

Mr. SCHUMER. I thank the Senator. I appreciate that. I will ask my question.

It seems to me that whatever the intentions—I am not impugning any intentions of any person who voted the other way, but it seems to me that the recent vote on the floor of the Senate

is going to create division and animus in this country of ours.

Mr. NICKLES. Mr. President, regular order. I will answer a question. If the Senator wants to make a speech, he can make the speech on his own time.

Mr. SCHUMER. I will yield back my time to the Senator, retract my question, and ask unanimous consent that I might speak for 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. NICKLES. I didn't know my colleague wanted to engage in this. I was not clear that the Senator wanted to make a speech.

I want to say absolutely and positively that there is no ''color test.'' No one raised that suggestion, that I am aware of, during the Clarence Thomas confirmation. I want to clarify again. I had several colleagues say they did not know what race Mr. White is. I think it is very much uncalled for and incorrect for anybody to make that kind of implication.

I yield the floor.

Mr. SCHUMER. Will the Senator yield for a question?

The PRESIDING OFFICER. The Chair advises that the pending business before the Senate is the vote on the Robb amendment. Unless there is unanimous consent to move beyond that vote, debate is not in order.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I respect the right of my friend from New York. In behalf of the Senator from Connecticut, who is waiting, we have pending business we are trying to finish today. I ask unanimous consent that the Senator from New York be allowed to speak for 3 minutes. Hopefully, we can move on.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I very much appreciate the courtesy.

The PRESIDING OFFICER. Will the Senator withhold?

Without objection, the vote on the Robb amendment is laid aside.

Mr. MCCAIN. Mr. President, could I ask for recognition.

The PRESIDING OFFICER. The Senator from Arizona may clarify his unanimous consent.

Mr. MCCAIN. Mr. President, prior to the Senator from New York being recognized, I ask unanimous consent the vote on or in relation to the Robb amendment be postponed, to occur in the next stacked sequence of votes, and, prior to the vote, Senators ROBB, WARNER, BRYAN, and MCCAIN be given 5 minutes each for closing remarks and that the amendment now be laid aside.

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

The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. I thank the Senators from Arizona, Oklahoma, and Connecticut for their courtesy, and the President as well.

I would like to make some remarks in contraposition to the Senator from Oklahoma. I say that without casting any impugning of any motivations as to why people voted.

It seems to me that this being, as I understand it, the first time we have this year rejected a Senate candidate on the floor—and I understand that there were recommendations from the home State—I still find myself very troubled by that rejection. I find myself troubled because we do need diversity on our bench. We need to, in my judgment, try to have more African Americans on the bench.

There is not an African American Member of this body. I find that regretful. The first impression I had the first day I walked on the floor was that. And I guess what I would like to do is just call into question why this nomination was rejected. I would ask that we examine. I know one of the reasons was the opposition of this nominee to the death penalty. I happen to be for the death penalty. I wrote the death penalty law when I was in the House. But I would like to ask how many other nominees we have rejected because of opposition to the death penalty.

I am told that one of the Senators who objected from Missouri actually nominated judges on that State court who agreed with Ronnie White on the very case that has been brought into question.

So if we are not to be accused of maybe having two standards, I think we ought to be very careful.

I respect each Senator's right to oppose nominations for judge. I respect the idea that we often defer to our colleagues in their home States. But I think there is a higher calling here. That is, because this was one of the few African American nominees to reach this floor, we ought to be extra careful to make sure the standard was not being used that we haven't used for some other nominees who have come before this body this year.

I disagree with that nominee on the issue at hand. But I still think that we should have extra sensitivity, given the long history of division in this country and the need to try to bring some equality onto our bench in the sense that we have a diverse and representative judiciary.

I hope my colleagues will examine those questions. I do not know the answers to them. But my guess is, we have unanimously approved or approved overwhelmingly judges who have the same view as Judge Ronnie White on this very controversial issue.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield for a question.

Mr. NICKLES. To my knowledge, we have never confirmed a nominee who was opposed by the National Sheriffs Association or by a State Federation of Police Chiefs. I don't think we have done that in my Senate career.

Does the Senator know of any instance where we have ignored the recommendations of major law enforcement officers?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SCHUMER. I ask unanimous consent for 30 seconds to respond to the Senator's question.

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

Mr. SCHUMER. I thank the Senator. I don't know of cases. But I would want to have examined the record about those questions and the questions I asked before we moved so hastily to reject this nominee. It so happened that there were votes on the other side in committee for this nominee that abruptly reversed themselves without any explanation as to why.

I yield my time.

The PRESIDING OFFICER. The Senator's time has expired.

AIR TRANSPORTATION IMPROVEMENT ACT—Resumed

The PRESIDING OFFICER. Under the regular order, we are now in legislative business.

The Senator from Connecticut.

AMENDMENT NO. 2241

(Purpose: To require the submission of information to the Federal Aviation Administration regarding the year 2000 technology problem, and for other purposes)

Mr. DODD. Mr. President, I call up amendment No. 2241.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD), for himself, Mr. BENNETT, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. HOLLINGS, proposes an amendment numbered 2241.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AVIATION ADMINISTRATION YEAR 2000 TECHNOLOGY SAFETY ENFORCEMENT ACT OF 1999.

(a) SHORT TITLE.—This section be cited as the ''Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER OPERATING CERTIFICATE.—The term ''air carrier operating certificate'' has the same meaning as in section 44705 of title 49, United States Code.

(3) YEAR 2000 TECHNOLOGY PROBLEM.—The term ''year 2000 technology problem'' means a failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to

transmit, or to receive year-2000 date-related data failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) to accurately account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(c) RESPONSE TO REQUEST FOR INFORMATION.—Any person who has an air carrier operating certificate shall respond on or before November 1, 1999, to any request for information from the Administrator regarding readiness of that person with regard to the year 2000 technology problem as it relates to the compliance of that person with applicable safety regulations.

(d) FAILURE TO RESPOND.—

(1) SURRENDER OF CERTIFICATE.—After November 1, 1999, the Administrator shall make a decision on the record whether to compel any air carrier that has not responded on or before November 1, 1999, to a request for information regarding the readiness of that air carrier with regard to the year 2000 technology problem as it relates to the air carrier's compliance with applicable safety regulations to surrender its operating certificate to the Administrator.

(2) REINSTATEMENT OF CERTIFICATE.—The Administrator may return an air carrier operating certificate that has been surrendered under this subsection upon—

(A) a finding by the Administrator that a person whose certificate has been surrendered has provided sufficient information to demonstrate compliance with applicable safety regulations as it relates to the year 2000 technology problem; or

(B) upon receipt of a certification, signed under penalty or perjury, by the chief operating officer of the air carrier, that such air carrier has addressed the year 2000 technology problem so that the air carrier will be in full compliance with applicable safety regulations on and after January 1, 2000.

AMENDMENT NO. 2241, AS MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent that a modified version of that amendment be permitted. I send the modification to the desk.

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

The amendment is so modified.

The amendment (No. 2241), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AVIATION ADMINISTRATION YEAR 2000 TECHNOLOGY SAFETY ENFORCEMENT ACT OF 1999.

(a) SHORT TITLE.—This section be cited as the ''Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER OPERATING CERTIFICATE.—The term ''air carrier operating certificate'' has the same meaning as in section 44705 of title 49, United States Code.

(3) YEAR 2000 TECHNOLOGY PROBLEM.—The term ''year 2000 technology problem'' means a failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) to accurately account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(c) RESPONSE TO REQUEST FOR INFORMATION.—Any person who has an air carrier operating certificate shall respond on or before November 1, 1999, to any request for information from the Administrator regarding readiness of that person with regard to the year 2000 technology problem as it relates to the compliance of that person with applicable safety regulations.

(d) FAILURE TO RESPOND.—

(1) SURRENDER OF CERTIFICATE.—After November 1, 1999, the Administrator shall make a decision on the record whether to compel any air carrier that has not responded on or before November 1, 1999, to a request for information regarding the readiness of that air carrier with regard to the year 2000 technology problem as it relates to the air carrier's compliance with applicable safety regulations to surrender its operating certificate to the Administrator.

(2) REINSTATEMENT OF CERTIFICATE.—The Administrator may return an air carrier operating certificate that has been surrendered under this subsection upon—

(A) a finding by the Administrator that a person whose certificate has been surrendered has provided sufficient information to demonstrate compliance with applicable safety regulations as it relates to the year 2000 technology problem; or

(B) upon receipt of a certification, signed under penalty or perjury, by the chief operating officer of the air carrier, that such air carrier has addressed the year 2000 technology problem so that the air carrier will be in full compliance with applicable safety regulations on and after January 1, 2000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator BENNETT, Senator MCCAIN, Senator ROCKEFELLER, and Senator HOLLINGS.

I urge my colleagues to support this proposal that would ground air carriers that do not respond to the Federal Aviation Administration's request for information about their Y2K status. This information is obviously critical not only to Americans who are now making travel plans for the millennium period, but to all American businesses that rely on safe air transportation to keep their doors open, to pay employees, and to contribute to the national economy.

Through our work on the Special Committee on the Year 2000 Technology Problem, Senator BENNETT and I have learned how hard it is for Americans to determine what precautions they should take to prepare for the year 2000. This task has been made unduly onerous by the failure of too many industries, including the aviation industry, to disclose information about their Y2K status.

The Y2K problem is a national challenge that requires all of us to do whatever it takes to make the transition between this century and the next one safe. The least any of us can do is to respond to surveys asking about the status of our Y2K preparations.

I suppose that you and others would assume that members of the safety-conscious aviation community would be eager to reassure the public by responding to the FAA's request for information about their Y2K status. Mr. President, if you made that assumption, unfortunately, you would be wrong.

At the committee's hearing last week on transportation and the Y2K issue, we learned that 1,900 of the 3,300 certificate holders, which includes air carriers and manufacturers, failed to respond to the FAA's request. Bear in mind that this survey is only 4 pages long, and the FAA estimates it would take 45 minutes to fill it out at an average cost of $30. There is no excuse, in my view, for this high rate of nonresponsiveness to the FAA's survey inquiry of certificate holders.

The FAA did not conduct this survey as a mere exercise. Reviewing a Y2K survey is often the only way the public can be sure an industry can keep functioning safely into the new year. When such a high percentage of the aviation industry fails to respond, the public might as well be flying blind.

These nonrespondents are mostly smaller carriers and charter airlines—not major airlines, I would quickly point out. But all of us have constituents who fly on these small carriers and rely on their cargo services. Their failure to respond to the request of their regulator is, I think, unacceptable, and I am sure my colleagues do as well.

The FAA has given me an updated list of the members of the aviation industry who have not responded to this survey. I made the request, along with the chairman, last Thursday, to give time to the members of their representative organizations who were in the room until today to comply with that survey. Of the 1,900 who had failed to comply last week, roughly 600 have responded to the survey since last Thursday. The list now contains 1,368 carriers and operators who have not complied with the FAA's survey request on the Y2K issue. I told the people in that hearing that, today, I would submit the names of the air carriers, manufacturers, or others with FAA certificates who have not responded to the survey to the Senate and put them in the CONGRESSIONAL RECORD.

Today, I ask unanimous consent that a list of 1,368 carriers and operators who have not complied with these surveys be printed in the RECORD. It lists the States they are from and the names of the businesses that have not complied. I hope that, in the coming days, these businesses will comply and provide the information to the FAA as requested.

Mr. President, I ask unanimous consent that this list at a cost of $3,122.00, be printed in the RECORD.

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

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST

[As of October 4, 1999]

State and company name	Designator	Aggregate
ALASKA:		
AIR LOGISTICS OF ALASKA INC.	EOPA	135 On-Demand
DENALI WEST LODGE INC	D01C	135 On-Demand
EVERTS AIR FUEL	EVAB	125 Air Operator
GIBSON, ROBERT A	G6BC	135 On-Demand
LOCKHEED MARTIN SERVICES INC.	L5SC	135 Commuters
MILLER, DENNIS C	FXCA	135 On-Demand
MORRIS, JACK	JR7C	135 On-Demand
NEEDHAM, DARRELL R	N8PC	135 On-Demand
PARKERSON, STAN	PJSC	135 On-Demand
SWISHER, RICHARD C	QOFC	135 On-Demand
WARBELOWS AIR VENTURES INC.	WVBA	135 Commuters
ZACZKOWSKI, PAUL STEPHEN	KY9C	135 On-Demand
A C E FLYERS INC	JKWC	135 On-Demand
ADAMS, BRAD	OUKC	135 On-Demand
ADAMS, ROBERT L	U7GC	135 On-Demand
AIRBORNE SCIENTIFIC INC	AS6C	135 On-Demand
AKERS, MERLE W	WL6C	135 On-Demand
ALASKA NORTH COUNTRY ENTERPRISES INC.	E3KC	135 On-Demand
ALASKA SKYWAYS INC	METC	135 On-Demand
ALASKAN BUSH SAFARI INC	BT6C	135 On-Demand
ALASKAS FISHING UNLIMITED INC.	F9UC	135 On-Demand
ALDRIDGE, RON	UDCC	135 On-Demand
ALEUTIAN SPECIALTY AVIATION INC.	VZDA	135 On-Demand
ALLIGOOD, ALLEN K	K7AC	135 On-Demand
ALLWEST FREIGHT INC	W1FC	135 On-Demand
ALPINE AIR INC	YDAC	135 On-Demand
ALYESKA AIR SERVICE INC	X4SC	135 On-Demand
ANDREW AIRWAYS INC	D4NA	135 On-Demand
ARCHERY OUTFITTERS INC	VYOC	135 On-Demand
ATKINS, JAMES A	J03C	135 On-Demand
BAL INC	W3LC	135 On-Demand
BARBER, JACK B	JKGC	135 On-Demand
BERRYMAN, JON M	EPQC	135 On-Demand
BETHE, KENNETH E	EQYC	135 On-Demand
BICKMAN, JIM	B35C	135 On-Demand
BISHOP, GARY LEE	BMKC	135 On-Demand
BRENT, CARL E	B21C	135 On-Demand
BRISTOL BAY AIR SERVICE INC.	B9BC	135 On-Demand
BRISTOL BAY LODGE INC	B4YC	135 On-Demand
BROWN BEAR AIR INC	B64C	135 On-Demand
BURWELL, JEFFERY S	P3BC	135 On-Demand
C AND L INC	ENEA	135 On-Demand
CHAPLIN, L JAMES	LJOC	135 On-Demand
CLARK, HENRY C	KO9C	135 On-Demand
CLARK, JOHN W.	A40C	135 On-Demand
CLEARWATER AIR INC	LAMA	135 On-Demand
COYOTE AIR LLC	CY6C	135 On-Demand
CUB DRIVER INC	VUDC	135 On-Demand
CUSACK, ROBERT A	R67C	135 On-Demand
DARDEN, DONALD E	EQRC	135 On-Demand
DAVIS, JEREMY S	DU5C	135 On-Demand
DENALI AIR INC	DLIA	135 On-Demand
DITTLINGER, BRET	K9SC	135 On-Demand
EATON, GLEN	ENOC	135 On-Demand
EGGE, LORI L	IUKA	135 On-Demand
EHRHART, JAMES E	EH0C	135 On-Demand
ELLIS, WILLIAM COLE	WEOC	135 On-Demand
EMERY, CRAIG A	VDQC	135 On-Demand
EVERGREEN HELICOPTERS OF ALASKA INC.	EHAA	135 On-Demand
EXOUSIA INC	M9UC	135 On-Demand
F S AIR SERVICE INC	STZA	135 Commuters
FILKILL, DAVID B	YEOC	135 On-Demand
FRESH WATER ADVENTURES INC.	BPMC	135 On-Demand
GALAXY AIR CARGO INC	GX7C	135 On-Demand
GLASER, DONALD E	GQDC	135 On-Demand
GLENN, DAVID HAMILTON	G7HC	135 Commuters
GRANT AVIATION INC	ENHA	135 Commuters
GREEN, GARY D	MGWC	135 On-Demand
GRETZKE, ROBERT C	WN6C	135 On-Demand
HAGELAND AVIATION SERVICES INC.	EPUA	135 Commuters
HALL, WILLIAM ELLIS	WXYA	135 On-Demand
HANGER ONE AIR INC	H1YC	135 On-Demand
HARRISS, BAYLIS EARLE	HOBC	135 On-Demand
HATELY, WILLIAM	E2KC	135 On-Demand
HICKS, DAVID	T26C	135 On-Demand
HIGH ADVENTURE AIR CHARTER GUIDES AND OUTFITTERS I.	ZKTC	135 On-Demand
HILDE, DEAN MITCHELL	D20C	135 On-Demand
HUDSON AIR SERVICE INC	EMWC	135 On-Demand
HUGHES, CLARENCE O	H9MC	135 On-Demand
ILIAMNA AIR GUIDES INC	YKMC	135 On-Demand
ILIAMNA AIR TAXI INC	EONA	135 On-Demand
J AND M ALASKA AIR TOURS INC.	HVUA	135 On-Demand
JAMES TRUMBULL INC	A3WC	135 On-Demand
JIM AIR INC	IUJA	135 Commuters
JOHNSON, JOSH W	OHQC	135 On-Demand
JOHNSTON, THOMAS	S2TC	135 On-Demand
JONES, ROBERT D JR	H4AC	135 On-Demand
KACHEMAK AIR SERVICE INC	ELTA	135 On-Demand
KACHEMAK BAY FLYING SERVICE INC.	YKBA	135 On-Demand
KANTISHNA AIR TAXI INC	XAKC	135 On-Demand
KATMAI PRO SHOP INC	K4PC	135 On-Demand
KENAI AIR ALASKA INC	EMDA	135 On-Demand
KENAI FJORD OUTFITTERS INC.	XKNA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
KENNICOTT WILDERNESS AIR INC.	D9TC	135 On-Demand
KING AIR INC	KQAC	135 On-Demand
KING SALMON GUIDES INC	K3NC	135 On-Demand
LAKE CLARK AIR INC	HXXC	135 On-Demand
LANG, MARK E	L7CC	135 On-Demand
LAST FRONTIER AIR VENTURES LTD.	L49C	135 On-Demand
LECHNER, BURDETTE J	BJLC	135 On-Demand
LEE, ANTHONY	W71C	135 On-Demand
LEE, DAVID J	EPOC	135 On-Demand
LOUGHRAN, CRAIG S	XL8C	135 On-Demand
MACAIR INC	M41C	135 On-Demand
MARK MADURA INC	UMZA	135 On-Demand
MEEKIN MICHAEL	EQKC	135 On-Demand
MERCHANT, CLIFFORD ROBERT.	UVMC	135 On-Demand
MIKE CUSACK'S KING SALMON LODGE INC.	KLOC	135 On-Demand
MILLER, MARK	EMVC	135 On-Demand
MINTA INC	W9RA	135 On-Demand
MORONEY, BRUCE J	T43C	135 On-Demand
MURPHY, GEORGE W	XGMC	135 On-Demand
N A C NETWORK INC	NN9A	135 On-Demand
NEITZ AVIATION INC	NZYC	135 On-Demand
NEWHALEN LODGE INC	NL6C	135 On-Demand
NICHOLSON, LARRY D	NL8C	135 On-Demand
NO SEE UM LODGE INC	N6SC	135 On-Demand
O'HARE AVIATION INC	XZPC	135 On-Demand
ONEY, ANTHONY KING	ONYC	135 On-Demand
ORTMAN, JOHN D	W4RC	135 On-Demand
OSOLNIK, MICHAEL J	BWAC	135 On-Demand
OSPREY AIR II INC	O43C	135 On-Demand
OSPREY AIR INC	O3SC	135 On-Demand
PACIFIC JET INC	JDMA	135 On-Demand
PARMENTER, DAVID M	UWPC	135 On-Demand
PETERSON, JOHN A	B00C	135 On-Demand
POLAR EXPRESS AIRWAYS INC.	D2OC	135 On-Demand
POLLACK AND SONS FLYING SERVICE INC.	P1JC	135 On-Demand
POLLUX AVIATION LTD	UPXC	135 On-Demand
POPE, TIM W	N3NC	135 On-Demand
PRALLE, JEFF	H1GC	135 On-Demand
PRECISION AVIATION INC	P8IC	135 On-Demand
PRISM HELICOPTERS INC	EOOA	135 On-Demand
PVT INC	JTBC	135 On-Demand
RAINBOW KING LODGE INC	RK0C	135 On-Demand
REDEMPTION INC	RI9A	135 Commuters
SCENIC MOUNTAIN AIR INC	LVKA	135 On-Demand
SCHUSTER, JOE S	J4HC	135 On-Demand
SCHWAB, MAX	XWQC	135 On-Demand
SECURITY AVIATION INC	LATA	135 On-Demand
SHUMAN, CECIL R	UKHC	135 On-Demand
SKY QUEST VENTURES INC	SQ9A	135 On-Demand
SLUICE BOX INC	ENGC	135 On-Demand
SMOKEY BAY AIR INC	X53A	135 On-Demand
SOUSA, GERALD L	TOKC	135 On-Demand
SOUTH BAY LTD	YB9A	135 On-Demand
STARFLITE INC	EQSC	135 On-Demand
STEARNS AIR ALASKA INC	UGJC	135 On-Demand
STRONG, EDWARD D	E03C	135 On-Demand
SWISS, JOHN S	EMLC	135 On-Demand
TRAIL RIDGE AIR INC	YGOC	135 On-Demand
TRANS ALASKA HELICOPTERS INC.	ELOA	135 On-Demand
TUCKER AVIATION INC	TKAC	135 On-Demand
ULMER INC	INXA	135 On-Demand
UYAK AIR SERVICE INC	EPIA	135 On-Demand
VANDERPOOL, JOSEPH J	VJWC	135 On-Demand
VANDERPOOL, ROBERT W SR	V5PC	135 On-Demand
VERN HUMBLE ALASKA AIR ADVENTURE INC.	HVKC	135 On-Demand
VILLAGE AVIATION INC	HYQA	135 Commuters
VREM, TRACY J	V3JC	135 On-Demand
WARREN, MARK J	W03C	135 On-Demand
WEBSTER, JAMES M	WF8C	135 On-Demand
WIEDERKEHR AIR INC	EMKC	135 On-Demand
WIRSCHEM, CHARLES	WVUA	135 On-Demand
WOODIN, WILLIAM HAROLD	SKOC	135 On-Demand
YUKON HELICOPTERS INC	YUKC	135 On-Demand
YUTE AIR ALASKA INC	YAAA	135 On-Demand
YUTE AIR TAXI INC	YUEC	135 On-Demand
ALASKAN OUTBACK ADVENTURES.	O5BA	135 On-Demand
DOYON, DAVID P	EKTA	135 On-Demand
HAYES, ARTHUR D	EKRA	135 On-Demand
LAUGHLIN, HAROLD J	LFKA	135 On-Demand
MASDEN, MICHELLE	IW7A	135 On-Demand
RANNEY, GAYLE AND STEVE	LGDA	135 On-Demand
REIMER, DOUGLAS D	NOGA	135 On-Demand
SKAGWAY AIR SERVICE INC	FYOA	135 Commuters
TAL AIR	T8FA	135 On-Demand
TYME AIR	T1MA	135 On-Demand
WILSON, STEVE R	YAXA	135 On-Demand
ALABAMA:		
B C AVIATION SERVICES	B4ZA	135 On-Demand
CHARTER SERVICES INC	ZZTA	135 On-Demand
DOTHAN AIR CHARTER INC	EUUA	135 On-Demand
DOUBLE BRIDGES AVIATION	D9UA	135 On-Demand
EXECUTIVE AVIATION SERVICE INC.	EX6A	135 On-Demand
FLYING M AVIATION INC	HROA	135 On-Demand
GULF AVIATION INC	G62A	135 On-Demand
GULF COAST CHARTERS L L C.	G94A	135 On-Demand
HELI-PLANE	H9LA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
HENDERSON BLACK AND GREENE.	H9GA	135 On-Demand
HOLMAN FUNERAL HOME INC	ETUA	135 On-Demand
MEDJET INTERNATIONAL INC	MDGA	135 On-Demand
MONTGOMERY AVIATION CORPORATION.	EA4A	135 On-Demand
OAK MOUNTAIN HELICOPTERS INC.	EETA	135 On-Demand
SEASANDS AIR	N9RA	135 On-Demand
WILLIAMS, WOODROW	EUPA	135 On-Demand
ARKANSAS:		
GULFSTREAM INTERNATIONAL AIRLINES TRAINING ACADEMY.	ITJA	135 On-Demand
STEWART AVIATION SERVICES INC.	HCPA	135 On-Demand
YOUNKIN AIR SERVICE INC	YOUA	135 On-Demand
ARIZONA:		
SPORTS JET LLC	J01B	135 On-Demand
AERO JET SERVICES LLC	J7EA	135 On-Demand
AEX AIR	A3XA	135 On-Demand
AIR EVAC SERVICES INC	VE7A	135 On-Demand
AIR SAFARI INC	G9RA	135 On-Demand
AIR WEST INC	W9WA	135 On-Demand
AIRWEST HELICOPTERS LLC	XW9A	135 On-Demand
ARIZONA HELISERVICES INC	A6ZA	135 On-Demand
BRICE AVIATION SERVICE	B8JA	135 On-Demand
CANYON STATE AIR SERVICE INC.	NYOA	135 On-Demand
CUTTER AVIATION INC	EKGA	135 On-Demand
DELTA LEASING INC	QUHA	135 On-Demand
DIAMOND AIR AIRLINES INC	QIDA	135 On-Demand
DIAMONDBACK AVIATION SERVICES INC.	D6BA	135 On-Demand
EXECUTIVE AIRCRAFT SERVICES INC.	EV6A	135 On-Demand
EXPRESS AIR INC	E7RA	135 On-Demand
G MICHAEL LEWIN CORP	GMYA	135 On-Demand
H Y AVIATION INC	H9YA	135 On-Demand
HELICOPTERS INC	H1NA	135 On-Demand
INTERSTATE EQUIPMENT LEASING INC.	I5EA	135 On-Demand
JET ARIZONA INC	J7ZA	135 On-Demand
KING AVIATION INC	OQHA	135 On-Demand
LEADING EDGE AVIATION INC	ULDA	135 On-Demand
MARSH AVIATION COMPANY INC.	ILIA	135 On-Demand
MED-TRANS CORPORATION	M3XA	135 On-Demand
MORTGAGE BANC CONSTRUCTION CO.	M6QA	135 On-Demand
NATIVE AMERICAN AIR AMBULANCE INC.	S4WA	135 On-Demand
RELIANT AVIATION LLC	K7BA	135 On-Demand
SCOTTSDALE FLYERS LLC	SD9A	135 On-Demand
SOUTHWEST AIRCRAFT CHARTER LC.	B2LA	135 On-Demand
SUN WEST AVIATION INC	VH3A	135 On-Demand
SUN WESTERN FLYERS INC	EKIA	135 On-Demand
SUPERSTITION AIR SERVICE INC.	EIYA	135 On-Demand
T AND G AVIATION INC	RJFA	135 On-Demand
THE CONSTELLATION GROUP	TOCM	135 On-Demand
THE GLOBAL GROUP	T6MA	135 On-Demand
TOM CHAUNCEY CHARTER COMPANY.	EJTA	135 On-Demand
UROPP, DANIEL P	D0KA	135 On-Demand
WESTCOR AVIATION INC	EKLA	135 On-Demand
WESTWIND AVIATION INC	WIWA	135 On-Demand
AIR STAR HELICOPTERS INC	QKLA	135 On-Demand
BLUMENTHAL, JAMES R	SKAB	125 Air Operator
GRAND CANYON AIRLINES INC.	GCNA	121 Domestic/Flag
WINDROCK AVIATION LLC	WR7A	135 On-Demand
SIERRA PACIFIC AIRLINES INC.	SPAA	121 Domestic/Flag
SUN PACIFIC INTERNATIONAL INC.	S1NA	121 Domestic/Flag
CALIFORNIA:		
ALASKA CENTRAL EXPRESS INC.	YADA	135 On-Demand
VICTORIA FOREST AND SCOUT LLC.	VF9M	125 Air Operator
AIR AURORA INC	CFHA	135 On-Demand
THUNDER SPRING-WAREHAM LLC II.	T7HA	135 On-Demand
AIRLINERS OF AMERICA INC	W8JM	125 Air Operator
ARCTIC AIR SERVICE INC	NAAA	135 On-Demand
ASPEN HELICOPTERS INC	IGAA	135 On-Demand
AVJET CORPORATION	ABFA	135 On-Demand
CHANNEL ISLANDS AVIATION INC.	DDEA	135 On-Demand
GENESIS AVIATION INC	G1NB	125 Air Operator
SPIRIT AVIATION INC	DWHA	135 On-Demand
STAR AIRWAYS	WY8A	135 On-Demand
SURFAS, FRANK N	XZLA	135 On-Demand
THE AIR GROUP INC	ACNA	135 On-Demand
THE ARGOSY GROUP INC	AGHA	135 On-Demand
AIRMANNS AVIATION INC	ZM5A	135 On-Demand
AVTRANS CORPORATION	VKHA	135 On-Demand
C AND D INTERIORS	C02M	125 Air Operator
CARDINAL AIR SERVICES INC	DNSA	135 On-Demand
CENTURY WEST INC	CIOA	135 On-Demand
DOUGLAS AIRCRAFT COMPANY.	DACM	125 Air Operator
EMERALD AIR INC	VZMA	135 On-Demand
HELISTREAM INC	JMXA	135 On-Demand
ORANGE COUNTY SUNBIRD AVIATION.	QGXA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
RAINBOW AIR ACADEMY INC	MNOA	135 On-Demand
ROSS, BRUCE A AND HERMAN, JAMES S.	MGHA	135 On-Demand
TG AIR INC	TG8A	135 On-Demand
AMERICAN CARE INC	F75A	135 On-Demand
CASCADE AIR LINES	W3VA	135 On-Demand
CAVOK INC	CWNA	135 On-Demand
CLARK, JAMES L	XARA	135 On-Demand
CRITICAL AIR MEDICINE INC	IBUA	135 On-Demand
ISLAND HOPPER INC	ISFA	135 On-Demand
JAAZ, GERHARD JACK	DKKA	135 On-Demand
JETSOURCE CHARTER INC	AMPA	135 On-Demand
LIQUID CHARTER SERVICES INC.	L3SA	135 On-Demand
LUNDY AIR CHARTER INC	LQUA	135 On-Demand
MERIDIAN AIR CHARTER INC	MZ6A	135 On-Demand
SHIER AVIATION CORP	IVSA	135 On-Demand
SKY LIMO WEST INC	SZ0A	135 On-Demand
TANGO AIR INC	LOMA	135 On-Demand
CAL VADA AIRCRAFT INC	AQNA	135 On-Demand
COFFELT, JOHN X	CFKA	135 On-Demand
ENGLISH, DANIEL B	XDOA	135 On-Demand
RALSTON AVIATION	R7NA	135 On-Demand
AERO MICRONESIA INC	15PA	121 Supplemental
AIR S F FLIGHT SERVICE	F81A	135 On-Demand
AMI JET CHARTER INC	IJOA	135 On-Demand
ARIS HELICOPTERS LTD	CAXA	135 On-Demand
BAY AIR CHARTER	OUOA	135 On-Demand
EMECTEC CORP	E7CA	135 On-Demand
EMPIRE AVIATION INC	EP7A	135 On-Demand
EXECUTIVE HELICOPTER SERVICE INC.	HUYA	135 On-Demand
IBC AVIATION SERVICES INC	IB9A	135 On-Demand
SAN JOSE AIR CARGO INC	SJ9A	135 On-Demand
T E Q CORPORATION	BMWA	135 On-Demand
VAN WAGENEN, ROBERT F	VWGA	135 On-Demand
VERTICARE	CBFA	135 On-Demand
AMERICAN VALET AIR INC	VMNA	135 On-Demand
AVIATION INTERNATIONAL ROTORS INC.	A8YA	135 On-Demand
DESERT AIRLINES AND AEROMEDICAL TRANSPORT INC.	EFAA	135 On-Demand
EXECUTIVE AVIATION LOGISTICS INC.	EEUA	135 On-Demand
NORTHAIR INC	NH9A	135 On-Demand
ORCO AVIATION INC	EEAA	135 On-Demand
PARALIFT INC	VPLM	125 Air Operator
PRO-CRAFT AVIATION INC	JI3A	135 On-Demand
SAN BERNARDINO COUNTY SHERIFFS AVIATION DIVISION.	SB9A	135 On-Demand
SKYDIVE ELSINORE INC	K2EM	125 Air Operator
AIR BY JET L L C	J2IA	135 On-Demand
AIR DESERT PACIFIC CORP	UDPA	135 On-Demand
AIR JUSTICE INC	J9SA	135 On-Demand
C A T S TOURS INC	C9UA	135 On-Demand
CORSAIR COPTERS INC	DG0A	135 On-Demand
GOLDEN WEST AIRLINES INC	G2WA	135 On-Demand
INTER ISLAND YACHTS INC	I2YA	135 On-Demand
M B AIRWAYS INC	XMBA	135 On-Demand
MANHATTAN BANKER CORPORATION.	YCSA	135 On-Demand
MERCURY AIR CARGO INC	M27A	135 On-Demand
NORTHROP GRUMMAN AVIATION INC.	NOZA	135 On-Demand
OCCIDENTAL PETROLEUM CORP.	OCPM	125 Air Operator
OIL AND GAS MANAGEMENT CORPORATION.	OG8A	135 On-Demand
ROUSE, MARC S	R5FA	135 On-Demand
TRANS-EXEC AIR SERVICE INC.	DVYA	135 On-Demand
UNIVERSAL JET INC	U3JA	135 On-Demand
WESTFIELD AVIATION INC	WTZM	125 Air Operator
ATKIN, WILLARD KENT	WNHA	135 On-Demand
CARTER FLYGARE INC	SA8A	135 On-Demand
CELEBRITY AIR INC	C86A	135 On-Demand
EVERSON, DAVID E	QVHA	135 On-Demand
HILLSIDE AVIATION INC	AXHA	135 On-Demand
N T ENLOE MEMORIAL HOSPITAL.	NTQA	135 On-Demand
OROVILLE AVIATION INC	LIKA	135 On-Demand
PACIFIC COAST BUILDING PRODUCTS INC.	PCPA	135 On-Demand
REDDING AERO ENTERPRISES INC.	MNVA	135 On-Demand
REDDING AIR SERVICE INC	AUMA	135 On-Demand
SHASTA LIVESTOCK AUCTION YARD INC.	WV8A	135 On-Demand
WEATHERS, TERRY M AND JEAN L.	AVWA	135 On-Demand
WOODLAND AVIATION INC	AWKA	135 On-Demand
AIR AMBULANCE INC	BZXA	135 On-Demand
AIR WOLFE FREIGHT INC	W27A	135 On-Demand
AMPHIBIOUS ADVENTURES INC.	X47A	135 On-Demand
CONCORD JET SERVICE INC	CJBA	135 On-Demand
COOK, WILLIAM B	COIA	135 On-Demand
DC-3 FLIGHTS INC	UUDM	125 On-Demand
GABEL, KYLE AND GLENDA	NG7A	135 On-Demand
HUMBOLDT GROUP	H29A	135 On-Demand
KEB AIRCRAFT SALES INC	XSKM	125 Air Operator
L W WINTER HELICOPTERS INC.	W7SE	135 On-Demand
LARON ENTERPRISES INC	COPA	135 On-Demand
LARSEN, JAMES E	COGA	135 On-Demand
MCCLELLAND, JOHN AND TERI.	HLRA	135 On-Demand
MEDIPLANE INC	JBZA	135 On-Demand
PACIFIC STATES AVIATION INC.	CPFA	135 On-Demand
S P AVIATION INC	SPOA	135 On-Demand
SCENIC AIR INC	S5TA	135 On-Demand
SKELLET, ANNALOU	PQWA	135 On-Demand
SMITH AIR INC	CQIA	135 On-Demand
TOMCAT VERTICAL AIR	T9VA	135 On-Demand
TRINITY HELICOPTERS INC	TH6A	135 On-Demand
WESTLOG INC	JXKA	135 On-Demand
COLORADO:		
AERO SYSTEMS INC	CKEA	135 On-Demand
AIR METHODS CORP	QMLA	135 On-Demand
AIRCAM NATIONAL HELICOPTER SERVICES INC..	VMIA	135 On-Demand
ASPEN BASE OPERATION INC	CKBA	135 On-Demand
BAAN HOFMAN, CHERYL	B5HA	135 On-Demand
CB AIR INC	OAXA	135 On-Demand
DISCOVERY AIR INC	IYDA	135 On-Demand
FLATIRONS AVIATION CORPORATION.	YFAA	135 On-Demand
G AND G FLIGHT INC	YGHA	135 On-Demand
GALENA AIR SERVICES COMPANY.	GN0A	135 On-Demand
GEO-SEIS HELICOPTERS INC	EKKA	135 On-Demand
KEY LIME AIR	KY7A	135 On-Demand
LAWRENCE, KIRKLAND WAYNE.	XSNA	135 On-Demand
MACK FLIGHT LEASE INC	F4KM	125 Air Operator
MAYO AVIATION INC	CIEA	135 On-Demand
MILAM INTERNATIONAL INC	CJPA	135 On-Demand
MILE HI AIRCRAFT MANAGEMENT INC.	MH6A	135 On-Demand
MOUNTAIN AVIATION INC	VQMA	135 On-Demand
MOUNTAIN FLIGHT SERVICE	OGQA	135 On-Demand
ORION HELICOPTERS INC	CIQA	135 On-Demand
PIKES PEAK CHARTER L L C	PQ9A	135 On-Demand
RED MOUNTAIN AVIATION L L C.	RV0A	135 On-Demand
ROCKY MOUNTAIN AVIATION	J6TA	135 On-Demand
SEA PACIFIC INC	URGA	135 On-Demand
SUNDANCE AIR INC	MGDA	135 On-Demand
TURBO WEST CORPAC INC	TQWA	135 On-Demand
WINDSTAR AVIATION CORP	CIWA	135 On-Demand
AMERICAN CHECK TRANSPORT INC.	VOXA	135 On-Demand
CENTURY AVIATION INC	GNTA	135 On-Demand
DURANGO AIR SERVICE INC	CMIA	135 On-Demand
EARTH CENTER ADVENTURES INC.	E4HA	135 On-Demand
GUNSLINGER INVESTMENT CORP.	W9CA	135 On-Demand
PREMIER AVIATION INC	PGFA	135 On-Demand
TUCKER, BLAINE	CLRA	135 On-Demand
WESTERN AVIATORS INC	W6TA	135 On-Demand
WESTERN SLOPE HELICOPTERS INC.	WL8A	135 On-Demand
JETPROP INC	J25A	135 On-Demand
CONNECTICUT:		
DELTA JET LTD	FUUA	135 On-Demand
DISTRICT OF COLUMBIA:		
CAPITAL HELICOPTERS L L C	H14A	135 On-Demand
SHORT BROTHERS USA INC	SB8M	125 Air Operator
DELAWARE:		
AMERICAN AEROSPACE CORPORATION.	D4AA	135 On-Demand
CANNAVO, DAVID	EHEA	135 On-Demand
DAWN AERO INC	DIQA	135 On-Demand
MARSHALL GEOSURVEY ASSOCIATES.	M0YM	125 Air Operator
MERCURY RESEARCH AND SURVEYING.	MK0M	125 Air Operator
AMERICAN INTERNATIONAL AVIATION CORP.	I4NA	135 On-Demand
VALLEY RESOURCES INC	VRYM	125 Air Operator
FLORIDA:		
OMNI AVIATION INC	OI8A	135 On-Demand
CHIPOLA AVIATION INC	ETSA	135 On-Demand
PARADISE HELICOPTERS INC	P1LA	135 On-Demand
PENSACOLA AVIATION CENTER.	KRTA	135 On-Demand
SOWELL AIRCRAFT SERVICE INC.	V4SA	135 On-Demand
SOWELL AVIATION COMPANY INC.	DW4A	135 On-Demand
SUNSHINE AERO INDUSTRIES	EUBA	135 On-Demand
AIR CLASSIC CARGO INC	LXEA	135 On-Demand
AIR FLORIDA CHARTER INC	H8DA	135 On-Demand
AIR ONE INC	HZUA	135 On-Demand
AIR ORLANDO CHARTER INC	AOUA	135 On-Demand
AIRSCAN INC	OIPA	135 On-Demand
ATLANTIC AIRWAYS INC	TCXA	135 On-Demand
BORGHORST, MARK	B55B	125 Air Operator
BRAUNIG CORPORATION INC	JG8A	135 On-Demand
C AND R LEASING INC	E1VA	135 On-Demand
CLYDE AIR INC	TQ6A	135 On-Demand
CONSTRUCTION INSURANCE SERVICES INC.	ORGA	135 On-Demand
CORPORATE AIRWAYS INC	FCTA	135 On-Demand
DEAL AEROSPACE CORPORATION.	D5EA	135 On-Demand
DISCOVERY AIR CHARTER INC.	DIBA	135 On-Demand
F I T AVIATION INC	ECQA	135 On-Demand
FLIGHT EXPRESS INC	FPIA	135 On-Demand
FLY SAFELY INC	F77A	135 On-Demand
KENN AIR CORP	ILZA	135 On-Demand
MAGIC CHARTER INC	OVAA	135 On-Demand
MARATHON FLIGHT SCHOOL INC.	LCRA	135 On-Demand
MISSIONAIR	M4HM	125 Air Operator
NATIONAL AIR CHARTERS INC.	NA6A	135 On-Demand
PHILIPS AND JORDAN INC	JFQA	135 On-Demand
PRETSCH, ERNEST	FOFA	135 On-Demand
REGIONAL AIR CHARTERS INC.	M97A	135 On-Demand
SEBASTIAN AERO SERVICES INC.	VWKA	135 On-Demand
SUN AVIATION INC	ECWA	135 On-Demand
TRANS NORTHERN AIRWAYS INC.	IHMA	135 On-Demand
UNIVERSITY OF FLORIDA ATHLETIC ASSOCIATION.	UFEM	125 Air Operator
VINTAGE PROPS AND JETS INC.	VNWA	135 Commuters
WHISPER AIRLINES INC	KCDA	135 On-Demand
ADVENTURE FLOATPLANE INC	Y6RA	135 On-Demand
AIR CHARTER ONE INC	CO6A	135 On-Demand
AIR FLIGHT INC	AFWA	135 On-Demand
AIRCOASTAL HELICOPTERS INC.	JJWA	135 On-Demand
AMELIA AIRWAYS INC	A2AA	135 On-Demand
AMERIJET INTERNATIONAL INC.	PCSA	121 Supplemental
A-OK JETS	FAUA	135 On-Demand
ARAWAK AVIATION INC	EYDA	135 On-Demand
ATLANTIC AIRLINES INC	HWTA	135 On-Demand
BEL AIR TRANSPORT	MJNA	135 On-Demand
BIMINI ISLAND AIR INC	B5MA	135 On-Demand
BLACKHAWK INTL AIRWAYS	IKWA	135 On-Demand
CATALINA AEROSPACE CORPORATION.	C40A	135 On-Demand
COMMERCIAL AVIATION ENTERPRISES INC.	JKBA	135 On-Demand
CUSTOM AIR TRANSPORT INC.	C7WA	121 Supplemental
EXECSTAR AVIATION INC	XVQA	135 On-Demand
EXECUTIVE AIR CHARTER OF BOCA RATON.	FOMA	135 On-Demand
FLIGHT TRAINING INTERNATIONAL INC.	RL6A	135 On-Demand
FLORIDA AIR TRANSPORT INC.	FLRB	125 Air Operator
FLORIDA SUNCOAST AVIATION INC.	F7UA	135 On-Demand
FLYING BOAT INC	FVYA	121 Domestic/Flag
GULF AND CARIBBEAN CARGO INC.	VGCA	121 Supplemental
HOP A JET INC	EXOA	135 On-Demand
JET CHARTER INTERNATIONAL INC.	YJIA	135 On-Demand
LOCAIR INC	YLXA	135 On-Demand
M W TRAVEL AND LEISURE INC.	M8WA	135 On-Demand
MID-STAR INC	YLPA	135 On-Demand
NEALCO AIR CHARTER SERVICES INC.	N5CA	135 On-Demand
PALM BEACH AEROSPACE INC.	P58M	125 Air Operator
PALM BEACH COUNTY HEALTH CARE DISTRICT.	HC7A	135 On-Demand
PARADISE ISLAND AIRLINES INC.	CICA	121 Domestic/Flag
PERSONAL JET CHARTER INC	EZKA	135 On-Demand
PLANE SPACE INC	P62A	135 On-Demand
PLANET AIRWAYS INC	PZ6A	121 Domestic/Flag
POMPANO HELICOPTERS INC	P8HA	135 On-Demand
SEMINOLE TRIBE OF FLORIDA.	S64A	135 On-Demand
SOUTHEASTERN JET AVIATION INC.	SJ6A	135 On-Demand
SOUTHERN FLARE INC	F25A	135 On-Demand
STUART JET CENTER INC	VSAA	135 On-Demand
TRIANGLE AIRCRAFT SERVICES INC.	T9GM	125 Air Operator
TROPIC AIR CHARTERS INC	T4CA	135 On-Demand
TWIN TOWN LEASING CO INC	EYLA	135 On-Demand
VOLAR HELICOPTERS INC	VOLA	135 On-Demand
WORLD JET CHARTERS INC	WUJA	135 On-Demand
AIR RECOVERY INC	YRUA	135 On-Demand
AIR SAL INC	JCOA	135 On-Demand
AIRGLASS AVIATION INC	S3HA	135 On-Demand
ATLANTIC AIR CARGO INC	XAUA	135 On-Demand
AVIATOR SERVICES INC	UFVA	135 On-Demand
COLLIER COUNTY HELICOPTER OPERATION.	CCHA	135 On-Demand
CONTINENTAL AVIATION SERVICES INC.	CX0B	125 Air Operator
CORPORATE AIR CHARTERS INC.	C5GA	135 On-Demand
EXEC AIR INC OF NAPLES	E69A	135 On-Demand
FUN AIR CORP	FUNB	125 Air Operator
GOLDEN AIRLINES INC	G1LA	135 On-Demand
GULF COAST AIRWAYS INC	GW0A	135 On-Demand
HUGHES FLYING SERVICE INC.	EYAA	135 On-Demand
I–LAND AIR CORPORATION	IL7A	135 On-Demand
MARCO AVIATION INC	MAEA	135 On-Demand
MARIOS AIR INC	C8QA	135 On-Demand
MILLON AIR INC	MIRA	121 Supplemental

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
ROBINSON AIR CRANE INC	R19A	135 On-Demand
SKYS FLIGHT SERVICE INC	S59A	135 On-Demand
SUPER THREE INC	SU6M	125 Air Operator
TRANS AIR LINK CORP	TALA	121 Supplemental
WCA TRANSPORTATION SERVICES INC.	WT8A	135 On-Demand
PARADISE FLIGHTS INC	P31A	135 On-Demand
AIR SITARAH INC	IBHC	135 On-Demand
BAY AIR FLYING SERVICE INC.	EDDA	135 On-Demand
COMMANDER AIRWAYS INC	SUEA	135 On-Demand
EAGLE AIR CORP	E2CA	135 On-Demand
EXECUJET CHARTER SERVICE INC.	EV7A	135 On-Demand
EXECUTIVE AVIATION CHARTERS INC.	HD9A	135 On-Demand
FLIGHTLINE GROUP INC	FBUA	135 On-Demand
GLOBAL AIR CHARTER INC	G2CA	135 On-Demand
HUFFMAN AVIATION INC	HZAA	135 On-Demand
JONES FLYING SERVICE INC	ECTA	135 On-Demand
LEADING EDGE AVIATION CHARTER SERVICE.	L1EA	135 On-Demand
PRIORITY JETS INC	NWHA	135 On-Demand
RED BARON AVIATION INC	REBA	135 On-Demand
SARASOTA AIRWAYS INC	SQ8A	135 On-Demand
STRONG AIR AIR CARGO INC	E35A	135 On-Demand
SUN JET INTERNATIONAL INC	A4JA	121 Supplemental
WALKABOUT AIR	WK9A	135 On-Demand
DSTS INC	D8TM	125 Air Operator
PAXSON COMMUNICATIONS CORPORATION.	XP0M	125 Air Operator
GEORGIA:		
QUICKSILVER AVIATION INC	QCKA	135 On-Demand
AIR CHARTERS INC	C89A	135 On-Demand
AIRLINE AVIATION ACADEMY INC.	ACDA	135 On-Demand
AVIOR TECHNOLOGIES OPERATIONS INC.	A8OA	135 On-Demand
CRITICAL CARE MEDFLIGHT INC.	MFGA	135 On-Demand
CUSTOM AIR SERVICE INC	C9QB	125 Air Operator
DODSON INTERNATIONAL CORP.	DOSA	135 On-Demand
EPPS AIR SERVICE INC	ESMA	135 On-Demand
GEORGIA FLIGHT INC	IXGA	135 On-Demand
H C L AVIATION INC	UHVA	121 Domestic/Flag
HILL AIRCRAFT AND LEASING CORP.	ESEA	135 On-Demand
HOUSTON AIR INC	H3AA	135 On-Demand
LOWE AVIATION CO INC	ETEA	135 On-Demand
METRO ENVIRONMENTAL ASSOCIATES INC.	M1VA	135 On-Demand
NATIONS AIR EXPRESS INC	USVA	121 Domestic/Flag
SMITHAIR INC	ETHA	135 On-Demand
SOUTHEASTERN AIR CHARTER INC.	MFJA	135 On-Demand
UK–USA HELICOPTERS INC	UK6A	135 On-Demand
HAWAII:		
ABOVE IT ALL INC	OVFA	135 On-Demand
AIR LINKS INC	L6KA	135 On-Demand
AIR NEVADA AIRLINES INC	RNVA	135 Communities
ALII AVIATION INC	ALUA	135 On-Demand
CIRCLE RAINBOW AIR INC	DCRA	135 On-Demand
GENAVCO CORP	GVCA	135 On-Demand
HAWAII AIR AMBULANCE INC	H48A	135 On-Demand
HAWAII COUNTY FIRE DEPARTMENT.	H5FA	135 On-Demand
MAUNA KEA HELICOPTERS INC.	MUNA	135 On-Demand
MOLOKAI LANAI AIR SHUTTLE INC.	OIKA	135 On-Demand
NIIHAU HELICOPTERS INC	NUIA	135 On-Demand
PACIFIC HELICOPTER TOURS INC.	DBZA	135 On-Demand
PEARL PACIFIC ENTERPRISES	YZPA	135 On-Demand
SAFARI AVIATION INC	XSFA	135 On-Demand
SANDSTONE AERIAL SERVICE	SZNA	135 On-Demand
WILL SQUYRES HELICOPTER SERVICE.	LBGA	135 On-Demand
IOWA:		
ACCESSAIR INC	E6RA	121 Domestic/Flag
CARVER AERO INC	XRRA	135 On-Demand
CHARTERSTAR INC	C2SA	135 On-Demand
DENISON AVIATION INC	CSVA	135 On-Demand
HAPS AIR SERVICE INC	CRJA	135 On-Demand
HASSMAN, DALE	DHSA	135 On-Demand
IOWA CITY FLYING SERVICE INC.	ICFA	135 On-Demand
MONTICELLO AVIATION INC	K02A	135 On-Demand
MOORE HELICOPTER SERVICES INC.	JLEA	135 On-Demand
NIEDERHAUSER AIRWAYS INC.	CSNA	135 On-Demand
P AND N CORP	PNOA	135 On-Demand
P S AIR INC	ZSEA	135 On-Demand
RITEL COPTER SERVICE INC	RCSA	135 On-Demand
SIOUX CENTER AVIATION LTD	CQXA	135 On-Demand
SPORT AVIATION INC	S5IA	135 On-Demand
TODDS FLYING SERVICE INC	TDFA	135 On-Demand
WHITFIELD, WAYNE E	CYUA	135 On-Demand
IDAHO:		
BRISTOL BAY SPORT FISHING INC.	YJBC	135 On-Demand
AVCENTER INC	GAYA	135 On-Demand
BOARD OF DIRECTORS OF BANNOCK REGIONAL MEDICAL CEN.	BRMA	135 On-Demand
AIR KETCHUM IDAHO INC	K7MA	135 On-Demand
AIR RESOURCES INC	A00A	135 On-Demand
ARNOLD, RAY E	REAA	135 On-Demand
CREW CONCEPTS INC	FZOA	135 On-Demand
CURRIE, DAVID A	X5HA	135 On-Demand
HELI'KO INC	MGRA	135 On-Demand
HORMAECHEA, RICHARD M	XXRA	135 On-Demand
IDAHO TRANSPORT SERVICE INC.	IBNA	135 On-Demand
JEFLYN AVIATION INC	JL9A	135 On-Demand
MCCALL AIR TAXI INC	GBWA	135 On-Demand
MIDDLE FORK AVIATION INC	MKTA	135 On-Demand
PERE, GUY A	PGKA	135 On-Demand
PIONEER AVIATION INC	FZQA	135 On-Demand
REGIONAL EXPRESS CO	RECA	135 On-Demand
STANLEY AIR TAXI INC	IKOA	135 On-Demand
THOMAS HELICOPTERS INC	GBNA	135 On-Demand
WESTERN AIRWAYS INC	KHSA	135 On-Demand
Z AIR	ZI0A	135 On-Demand
BUSINESS AVIATION INC	BU7A	135 On-Demand
HILLCREST AIRCRAFT CO INC	GFLA	135 On-Demand
NORTHERN AIR INC	NR9A	135 On-Demand
OROFINO AVIATION INC	INMA	135 On-Demand
PANHANDLE HELICOPTER INC	PHAA	135 On-Demand
RESORT AVIATION SERVICES INC.	YRVA	135 On-Demand
SCANLON, JOHN T	SCFA	135 On-Demand
STOUT FLYING SERVICE INC	WQEA	135 On-Demand
WHITEWATER CREEK INC	W7IA	135 On-Demand
ILLINOIS:		
METRO-EAST AIR SERVICE INC.	DFIA	135 On-Demand
AERO TAXI ROCKFORD INC	CGYA	135 On-Demand
AIR ANGELS INC	X34A	135 On-Demand
AIRWAY CHARTER SERVICE INC.	IXLA	135 On-Demand
ALLEGRA AIRCRAFT	XUNA	135 On-Demand
ALPINE AVIATION CORP	CEVA	135 On-Demand
DB AVIATION INC	IEYA	135 On-Demand
DIAMOND INTERNATIONAL AIRLINES INC.	D9IA	135 On-Demand
EAGLE AIR TRANSPORT INC	E2TM	125 Air Operator
GREAT BEAR AVIATION COMPANY.	G7BA	135 On-Demand
INTEGRATED FLIGHT RESOURCES INC.	I4FA	135 On-Demand
INTERNATIONAL AIRWAY EXPRESS INC.	VJCA	135 On-Demand
LUMANAIR INC	CGFA	135 On-Demand
MALEC HOLDINGS LTD	UMQA	135 On-Demand
MIDWEST HELICOPTER AIRWAYS INC.	CHVA	135 On-Demand
NAC AIRLINE INC	CFBA	135 On-Demand
NORTH AMERICAN JET CHARTER GROUP INC.	CJ6A	135 On-Demand
NORTH WESTERN AVIATION INC.	YNIA	135 On-Demand
NORTHWEST FLYERS INC	NW9A	135 On-Demand
O O T AIR EXPRESS COMPANY.	OO6A	135 On-Demand
OLIVERS HELICOPTERS INC	OBYA	135 On-Demand
OWNERS JET SERVICES LTD	LJCA	135 On-Demand
ROTERS IN MOTION INC	A9XA	135 On-Demand
SCOTT AVIATION INC	SVTA	135 On-Demand
SOUTH SUBURBAN AVIATION INC.	XZSA	135 On-Demand
SPIRIT AVIATION INC	IS0A	135 On-Demand
SUN AERO INC	ZSUA	135 On-Demand
VALLEY AIR SERVICE	VL8A	135 On-Demand
VIKING EXPRESS INC	CHRA	135 On-Demand
WINDY CITY CHARTER INC	ZRGA	135 On-Demand
WSG INC	J9MA	135 On-Demand
BYERLY AVIATION INC	BOEA	135 On-Demand
COBB, FREDERICK L	BOOA	135 On-Demand
HEETCO JET CENTER INC	BOUA	135 On-Demand
JET AIR INC	JAFA	135 On-Demand
TATES FLYING SERVICE INC	JBNA	135 On-Demand
THE FLIGHTSTAR CORP	BONA	135 On-Demand
INDIANA:		
HIGH TECH APPLICATIONS INC.	I3RA	135 On-Demand
ANDERSON AVIATION INC	AIEA	135 On-Demand
BROWN FLYING SCHOOL INC	DAVA	135 On-Demand
COOK AIRCRAFT LEASING INC.	YSIB	125 Air Operator
INDIANAPOLIS AVIATION INC	AIHA	135 On-Demand
KEENAIRE INC	KKEA	135 On-Demand
LAZY S FLYING SERVICE	KVEA	135 On-Demand
RHOADES AVIATION INC	JRAA	121 Supplemental
TRI STATE AERO INC	AHTA	135 On-Demand
AIR CHARTER EXPRESS INC	X31A	135 On-Demand
BOWMAN AVIATION INC	BLVA	135 On-Demand
CARTER, CRAIG S	UKCA	135 On-Demand
CONSOLIDATED CHARTER SERVICE INC.	CBGA	135 On-Demand
CORPORATE AIR INC	M7GA	135 On-Demand
EXECUTIVE AVIATION INC	E94A	135 On-Demand
FORT WAYNE AIR SERVICE INC.	BLBA	135 On-Demand
INTEGRATED AIRWAYS INC	KWTA	135 On-Demand
K–AIR LEASING INC	OCGA	135 On-Demand
SUMMIT CITY AIR CHARTER INC.	JHYA	135 On-Demand
TRAVEL MANAGEMENT COMPANY LTD.	T17A	135 On-Demand
KANSAS:		
HUSTED AND HUSTED AIR CHARTER INC.	IJTA	135 On-Demand
KANSAS CITY AVIATION CENTER INC.	AMYA	135 On-Demand
ACE AVIATION CORPORATION	BWWA	135 On-Demand
CHARTERS INC	QCHA	135 On-Demand
KANSAS AIR CENTER INC	CXIA	135 On-Demand
OLIVER AVIATION INC	OAVA	135 On-Demand
PFEIFER, CAROL AND OR STEVEN J.	IURA	135 On-Demand
RAYTHEON AIRCRAFT SERVICES INC.	ERYA	135 On-Demand
SCHREIB-AIR INC	S31A	135 On-Demand
YINGLING AIRCRAFT INC	BWRA	135 On-Demand
SUNSET AERO SERVICES INC	SSTA	135 On-Demand
KENTUCKY:		
CENTRAL AMERICAN AIR TAXI INC.	AZWA	135 On-Demand
COMMONWEALTH HELICOPTERS INC.	C90A	135 On-Demand
DON DAVIS AVIATION INC	FGBA	135 On-Demand
EMERALD AVIATION INC	INKA	135 On-Demand
HORIZON AVIATION INC	QZNA	135 On-Demand
KENTUCKY AIRMOTIVE INC	KKIA	135 On-Demand
MIDLINE AIR FREIGHT	E7TA	135 On-Demand
NEW IMAGE AIR INC	N9IA	135 On-Demand
PEGASUS AIRWAYS INC	PK9A	135 On-Demand
SUNWORLD INTERNATIONAL AIRLINES INC.	SQ7A	121 Domestic/Flag
LOUISIANA:		
AIR RELDAN INC	HEBA	135 On-Demand
AMERICAN AVIATION LLC	A05A	135 On-Demand
BATON ROUGE AIR CHARTER AND MANAGEMENT.	GOWA	135 On-Demand
BUTLER AVIATION INC	YBBA	135 On-Demand
CAPITAL CITY AIR SERVICE INC.	L7WA	135 On-Demand
CHARLIE HAMMONDS FLYING SERVICE INC.	HMDA	135 On-Demand
EXCEL AIR CHARTER L L C	L5GA	135 On-Demand
GULF STATES AIR INC	SG6A	135 On-Demand
INDUSTRIAL HELICOPTERS INC.	IIFA	135 On-Demand
LOUISIANA AIRCRAFT COMPANIES INC.	UGIA	135 On-Demand
MAYEUXS FLYING SERVICE INC.	KEVA	135 On-Demand
MCMAHAN AVIATION INC	GQ8A	135 On-Demand
PETROLEUM HELICOPTERS INC.	HEEA	135 On-Demand
PRIORITY AIR INC	FTMA	135 On-Demand
REILLY ENTERPRISES L L C	RE0A	135 On-Demand
SEA AIR SERVICE INC	KBNA	135 On-Demand
SOUTHERN HELICOPTERS INC.	HDCA	135 On-Demand
TIGER ATHLETIC FOUNDATION.	OTFA	135 On-Demand
TRANS GULF SEAPLANE SERVICE INC.	HEIA	135 On-Demand
TRANS-GULF AVIATION INC	TFUA	135 On-Demand
VINTAGE WINGS AND THINGS	VWFM	135 Air Operator
CASINO AIRLINES INC	C37A	121 Domestic/Flag
MASSACHUSETTS:		
HYANNIS AIR SERVICE INC	HYIA	135 Commuters
ISLAND SHUTTLE INC	ISIA	135 On-Demand
WIGGINS AIR CARGO INC	W6CA	135 On-Demand
ADVANCE MATERIALS CORP	ADBA	135 On-Demand
BULLOCK CHARTER INC	FUGA	135 On-Demand
MARYLAND:		
ODYSSEY TRANSPORT INC	OTYA	135 On-Demand
FREEDOM AIR INC	FEVA	135 On-Demand
STREAMLINE AVIATION INC	W28A	135 On-Demand
HELIVISION L L C	H8VA	135 On-Demand
MAINE:		
BILLS FLYING SERVICES	PLOA	135 On-Demand
CALDEN, C HARVEY	H7VA	135 On-Demand
COASTAL HELICOPTERS INC	YBMA	135 On-Demand
COLEMANS FLYING AND GUIDE SERVICE.	CMGA	135 On-Demand
DEARBORN AVIATION INC	D5OA	135 On-Demand
DOWNEAST AIRLINES INC	LHAA	135 On-Demand
EASTERN AIRCRAFT AND SALES INC.	BFWA	135 On-Demand
FOLSOMS AIR SERVICE INC	BGAA	135 On-Demand
JACKS AIR SERVICE INC	FSNA	135 On-Demand
LIBBY CAMPS	BPLA	135 On-Demand
MAINE AVIATION CORP	FSEA	135 On-Demand
MAINE INSTRUMENT FLIGHT	BFYA	135 On-Demand
MINSCHWANER, NEIL	XYEA	135 On-Demand
NAPLES SEAPLANE SERVICE INC.	BN6A	135 On-Demand
OPTIMAIR INC	O9PA	135 On-Demand
PLAIN AIR FLYING SERVICE	POVA	135 On-Demand
QUODDY AIR	QDZA	135 On-Demand
SKINNER, RICHARD S	FRQA	135 On-Demand
SKYWAGON CORPORATION INC.	I5MA	135 On-Demand
STRANG, JAMES W	NXYA	135 On-Demand
MICHIGAN:		
A AND R AVIATION SERVICES	R9RA	135 On-Demand
AIRCRAFT MANAGEMENT SERVICES INC.	14MA	135 On-Demand
BROOKS AERO INC	EANA	135 On-Demand
BUTTERWORTH AERO MED INC.	BTEA	135 On-Demand
HOFFMAN FLYING SERVICE INC.	EBEA	135 On-Demand
KELLEY AIRCRAFT LEASING CO.	QKYA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
LOO, ROBERT H	ECDA	135 On-Demand
SPARTA AVIATION SERVICE INC.	EAVA	135 On-Demand
SUPERIOR AVIATION INC	EATA	135 On-Demand
TRAVEL CONSULTANTS AVIATION INC.	T6FA	135 On-Demand
WEST MICHIGAN AIR CARE INC.	ZYWA	135 On-Demand
ASTRO STAR AVIATION INC	JOPA	135 On-Demand
HELICOPTERS PLUS L L C	HZ9A	135 On-Demand
RILEY AVIATION INC	BLIA	135 On-Demand
AEROGENESIS AVIATION INC	XG9A	135 On-Demand
AIR GO PACK	P1KA	135 On-Demand
BIJAN AIR INC	BJUA	135 On-Demand
CORPORATE AIR MANAGEMENT INC.	CMHA	135 On-Demand
DETROIT RED WINGS	DWMM	125 Air Operator
EAGLE AVIATION INC	EGUA	135 On-Demand
ERIM INTERNATIONAL INC	ERIM	125 Air Operator
EVANS AIR CORPORATION	EQHA	135 On-Demand
FLIGHT ONE INC	BTCA	135 On-Demand
FLINT AVIATION SERVICES INC.	BSRA	135 On-Demand
H B AVIATION AND LEASING INC.	H8BA	135 On-Demand
KITTY HAWK CHARTER INC	KKFA	135 On-Demand
MCCARDELL PROPERTIES INC.	M75A	135 On-Demand
MCMAHON HELICOPTER SERVICES INC.	BUBA	135 On-Demand
MORTON HELICOPTERS	M37A	135 On-Demand
PONTIAC FLIGHT SERVICE INC.	PONA	135 On-Demand
ROUNDBALL ONE	REOB	125 Air Operator
ROYAL AIR FREIGHT INC	BUHA	135 On-Demand
SUBURBAN AVIATION INC	S41A	135 On-Demand
SYSTEC 2000 INC	S6YA	135 On-Demand
THOR PROPERTIES INC	T6PA	135 On-Demand
TRI-STAR EXPRESS INC	T5RA	135 On-Demand
MINNESOTA:		
A B FLIGHT SERVICES INC	A2BA	135 On-Demand
ADVENTURE BOUND SEAPLANES INC.	X1BA	135 On-Demand
AIR CARE EXECUTIVE CHARTER AND SECURITY INC.	X15A	135 On-Demand
AIR D INC	AA6A	135 On-Demand
ANOKA FLIGHT TRAINING INC	VL6A	135 On-Demand
AVIATION CHARTER INC	ABOA	135 On-Demand
B A G S INC	YNNA	135 On-Demand
BAUDETTE FLYING SERVICE INC.	BTFA	135 On-Demand
BRAINERD HELICOPTER SERVICE INC.	BRNA	135 On-Demand
ELMO AIR CENTER INC	CPGA	135 On-Demand
GENERAL AVIATION SERVICES INC.	GVKA	135 On-Demand
GUNDERSON, GREGORY RAHN.	KWJA	135 On-Demand
HELICOPTER FLIGHT INC	BJDA	135 On-Demand
HORIZON AVIATION INC	H3ZA	135 On-Demand
JW AVIATION	JVWA	135 On-Demand
MIDWEST AVIATION DIV OF SOUTHWEST A.	SOWA	135 On-Demand
NAVAIR INC	N6VA	135 On-Demand
SCOTTS HELICOPTER SERVICE INC.	CUHA	135 On-Demand
SUN AMERICA LEASING CORP.	YOLA	135 On-Demand
TACONITE AVIATION INC	BCRA	135 On-Demand
THUNDERBIRD AVIATION INC	TBDA	135 On-Demand
MISSOURI:		
A–1 AIR CARRIERS INC	JKNA	135 On-Demand
AEROFLITE INC	X76A	135 On-Demand
BROOKS INTERNATIONAL AVIATION.	B42A	135 On-Demand
C A LEASING INC	C18A	135 On-Demand
EXECUTIVE BEECHCRAFT STL INC.	DEBA	135 On-Demand
MC CORMICK AVIATION INC	M81A	135 On-Demand
METROPOLITAN HELICOPTERS INC.	DFQA	135 On-Demand
MID-AMERICA AVIATION INC	MDDA	135 On-Demand
MULTI–AERO INC	MUIA	135 On-Demand
OZARK AIR CHARTER INC	OZ8A	135 On-Demand
PROVIDENCE AIRLINE CORP	PTLA	121 Domestic/Flag
SCOTT, MARVIN L	MVNA	135 On-Demand
ST LOUIS HELICOPTER AIRWAYS INC.	DFMA	135 On-Demand
SUM AIR SERVICES INC	SXUA	135 On-Demand
THUNDER AIR CHARTER INC	T0DA	135 On-Demand
TRANS MO AIRLINES INC	XUIA	135 Commuters
WEHRMAN, HOWARD Q	DEKA	135 On-Demand
AIR ONE INC	ONNA	135 On-Demand
CROUGH AG AVIATION	CRHA	135 On-Demand
D AND D AVIATION INC	DOZA	135 On-Demand
DE JARNETTE, RONALD W SR	DJMA	135 On-Demand
EXECUTIVE BEECHCRAFT INC	AKGA	135 On-Demand
PRO FLIGHT AIR INC	JDZA	135 On-Demand
SAVE A CONNIE INC	S80M	125 Air Operator
TABLE ROCK HELICOPTERS INC.	TQBA	135 On-Demand
TIG–AIR AVIATION INC	AKFA	135 On-Demand
MISSISSIPPI:		
APOLLO AVIATION CO INC	QAIA	135 On-Demand
HIGHER EDUCATION INC	F95A	135 On-Demand
JACKSON AIR CHARTER INC	JC9A	135 On-Demand
MERCURY AVIATION INC	MSQA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
RAS INC	EWPA	135 On-Demand
MONTANA:		
3–D AVIATION INC	XTGA	135 On-Demand
ARMENT, CHARLES RANDALL	OGZA	135 On-Demand
BUTTE AVIATION INC	BTJA	135 On-Demand
CENTRAL COPTERS INC	JOLA	135 On-Demand
CHARLES TROWER AVIATION INC.	HTHA	135 On-Demand
COLDWELL, JERRY	HSZA	135 On-Demand
COLTON, STANLEY G	NBOA	135 On-Demand
CONQUEST AVIATION L L C	L2VA	135 On-Demand
DILLON FLYING SERVICE INC	EFSA	135 On-Demand
ELGEN, DENNIS P	ELGA	135 On-Demand
FRANCES MAHON DEACONESS HOSPITAL.	FMMA	135 On-Demand
GALLATIN FLYING SERVICE INC.	JHTA	135 On-Demand
GLIKO AVIATION INC	CXOA	135 On-Demand
HOEM, LAURENCE R	LBPA	135 On-Demand
HOLMAN ENTERPRISES	CXSA	135 On-Demand
HOMESTEAD HELICOPTERS INC.	H1OA	135 On-Demand
KINDEN, KEITH A	HTEA	135 On-Demand
LAIRD, ERLEND D	DCZA	135 On-Demand
LEADING EDGE AVIATION SERVICES INC.	LXGA	135 On-Demand
LONAIRE FLYING SERVICE INC.	L15A	135 On-Demand
LYNCH FLYING SERVICE INC	HSRA	135 On-Demand
MINUTEMAN AVIATION INC	MINA	135 On-Demand
MONTANA FLYING MACHINES L L C.	M26A	135 On-Demand
MUSTANG AVIATION INC	M06A	135 On-Demand
NEWTON, DONALD H	NAVA	135 On-Demand
PRAIRIE AVIATION INC	VPEA	135 On-Demand
RED EAGLE AVIATION INC	IKLA	135 On-Demand
SUNBIRD AVIATION INC	CXNA	135 On-Demand
WOLFF AVIATION	QWFA	135 On-Demand
NORTH CAROLINA:		
AIR HOLDINGS INC	TL6A	135 On-Demand
DAIRY AIR INC	FFPA	135 On-Demand
EAST AIR INC	ET6A	135 On-Demand
EASTWIND AIRLINES INC	E9WA	121 Domestic/Flag
GREENWOOD HELICOPTERS INC.	GHYA	135 On-Demand
ISO AERO SERVICE INC	ISOA	135 On-Demand
KINGSLAND AIR INC	K42A	135 On-Demand
MC CORMACK, JAMES G	FPCA	135 On-Demand
NORTH STATE AIR SERVICE INC.	NSTA	135 On-Demand
ORION AVIATION L L C	O5RA	135 On-Demand
SEAFLIGHT L L C	S08A	135 On-Demand
SEQUIN ENTERPRISES INC	O5NA	135 On-Demand
SOUTHEAST AIR CHARTER INC.	ZQUA	135 On-Demand
TRADEWINDS AIRLINES INC	WRNA	121 Supplemental
TRIANGLE AIR SERVICE LLC	T15A	135 On-Demand
ASHEVILLE AIR CHARTER INC	X26A	135 On-Demand
CAROLINAS HISTORIC AVIATION COMMISSION.	I8CM	125 Air Operator
CORPORATE AIR FLEET INC	SX0A	135 On-Demand
PIEDMONT AIR TRANSPORT INC.	P2DB	125 Air Operator
PROFILE AVIATION CENTER INC.	LL0A	135 On-Demand
SABER CARGO AIRLINES INC	SBRA	135 On-Demand
SPITFIRE AVIATION INC	S1FA	135 On-Demand
U S AVIATION L L C	D4KA	135 On-Demand
US HELICOPTERS INC	USXA	135 On-Demand
NORTH DAKOTA:		
CAPITAL AVIATION CORPORATION.	CTQA	135 On-Demand
EXECUTIVE AIR TAXI CORP	CTYA	135 On-Demand
FOSS AND MEIER INC	CTIA	135 On-Demand
GFK FLIGHT SUPPORT INC	G7FA	135 On-Demand
WAKEFIELD FLIGHT SERVICE INC.	CTWA	135 On-Demand
NEBRASKA:		
ENGLES AIRCRAFT INC	JGXA	135 On-Demand
NEW HAMPSHIRE:		
AGILE AIR SERVICE INC	A5GA	135 On-Demand
AIR DIRECT AIRWAYS	DIPA	135 On-Demand
ALLIED AIR FREIGHT INC	F6GA	135 On-Demand
JET AIRWAYS INC	JKXA	135 On-Demand
LAKES REGION AVIATION INC	L9RA	135 On-Demand
OIA AIR CORP	OIBA	135 On-Demand
RIGHTWAY AVIATION INC	XWRA	135 On-Demand
SILVER RANCH AIRPARK INC	FTDA	135 On-Demand
NEW JERSEY:		
ANALAR CO	CZIA	135 On-Demand
SOMERSET AIR SERVICE INC	CECA	135 On-Demand
TAFT AIR INC	TFRA	135 On-Demand
BERLIN AIRLIFT HISTORICAL FOUNDATION.	BF0M	125 Air Operator
EQUIPMNENT SUPPLY CO INC.	EQ6A	135 On-Demand
GPI AVIATION INC	DINA	135 On-Demand
HOBAN HELICOPTERS INC	H4FA	135 On-Demand
O'BRIEN AVIATION INC	DIZA	135 On-Demand
PEN TURBO INC	NW6M	125 Air Operator
ROYAL AIR INC	RA0A	135 On-Demand
SKYWAYS EXPRESS INC	S9XA	135 On-Demand
KIWI INTERNATIONAL HOLDINGS INC.	K3HA	121 Domestic/Flag
LIBERTY HELICOPTERS INC	MHIA	135 On-Demand
SCHIAVONE CONSTRUCTION CO.	BKRA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
SPARTA AVIATION INC	S3ZA	135 On-Demand
CHELSEA AIR SHUTTLE INC	X27A	135 On-Demand
NEW MEXICO:		
ADAMS, BRUCE M	GNVA	135 On-Demand
AEROWEST MANAGEMENT SERVICES INC.	PBKA	135 On-Demand
AIR/AMERICA INC	A2WA	135 On-Demand
B AND M ENTERPRISES INC	GNXA	135 On-Demand
EAGLE FLYING SERVICE INC	XZZA	135 On-Demand
EDELWEISS HOLDINGS INC	E5HA	135 commuters
EDS FLYING SERVICE INC	GRXA	135 On-Demand
FLYING Z AVIATION INC	XFZA	135 On-Demand
FOUR CORNERS AVIATION INC.	GONA	135 On-Demand
GALLUP FLYING SERVICES INC.	GNMA	135 On-Demand
KEMP AVIATION INC	K3IA	135 On-Demand
MANSELL AVIATION INC	M9AA	135 On-Demand
MC CAUSLAND AVIATION INC	GRUA	135 On-Demand
MOUNTAIN AVIATION ENTERPRISES LTD.	XMNA	135 On-Demand
NORD AVIATION INC	NRDA	135 On-Demand
ROSS AVIATION INC	ROSA	121 Supplemental
SEVEN BAR FLYING SERVICE INC.	GNLA	135 On-Demand
SILVERWINGS AIR AMBULANCE LTD COMPANY.	X93A	135 On-Demand
SOUTH AERO INC	GNBA	135 On-Demand
MC RAE AVIATION SERVICES INC.	IFOA	135 On-Demand
NEVADA:		
ALPINE LAKE AVIATION INC	A4LA	135 On-Demand
AMERICAN MEDFLIGHT INC	XPCA	135 On-Demand
FALLON AIRMOTIVE	XFLA	135 On-Demand
HEAVERNE, CLIFFORD J	ARUA	135 On-Demand
HUTT AVIATION INC	HZNA	135 On-Demand
KAJANS, FRED A	GJGA	135 On-Demand
NEVADA-CAL AERO INC	VLJA	135 On-Demand
PREMIER AVIATION INC	MCIA	135 On-Demand
REMLINGER, JON RICHARD	T7DA	135 On-Demand
RENO FLYING SERVICE INC	IPMA	135 On-Demand
SILVER SKY AVIATION INC	SS9A	135 On-Demand
SKYDANCE OPERATIONS INC	NCNA	135 On-Demand
TEM ENTERPRISES INC	BJNA	121 Domestic/Flag
AEROTECH SPECIALISTS INC	O9RA	135 On-Demand
AIR BAJA CALIFORNIA INC	ODUA	135 On-Demand
AVIATION VENTURES INC	XV6A	135 On-Demand
DESERT SOUTHWEST AIRLINES.	JBFA	135 On-Demand
ELAN EXPRESS INC	E4EB	125 Air Operator
HELI USA AIRWAYS INC	S9HA	135 On-Demand
IMPERIAL PALACE AIR LTD	IPEM	125 Air Operator
KING AIRELINES INC	KNFA	135 On-Demand
LAKE MEAD AIR INC	DOQA	135 On-Demand
NATIONAL AIRLINES INC	N8TA	121 Domestic/Flag
ROSS, THOMAS C	TCRA	135 On-Demand
SEVEN DELTA ROMEO	N9DA	135 On-Demand
SUNDANCE HELICOPTERS INC.	KBMA	135 On-Demand
NEW YORK:		
ADIRONDACK AIR INC	AI6A	135 On-Demand
ADIRONDACK HELICOPTERS INC.	XH5A	135 On-Demand
AMERICAN COMMERCIAL EXPRESS INC.	EUXA	135 On-Demand
BIRDS SEAPLANE SERVICE INC.	BRBA	135 On-Demand
G K W LEASING CORP	WNXA	135 On-Demand
HELICORP INC	T4JA	135 On-Demand
LAKE PLACID AIRWAYS INC	BPYA	135 On-Demand
PANDA AIR LTD	PD9A	135 On-Demand
TEAM AIR INC	QTZA	135 On-Demand
AVIATION RESOURCES INC	KR7A	135 On-Demand
EAST COAST AVIATION SERVICES LTD.	ECAA	135 On-Demand
M AND J AERONAUTICS 3WF INC.	M04A	135 On-Demand
NORTHEASTERN AVIATION CORP.	AOYA	135 On-Demand
T D AVIATION INC	TD9A	135 On-Demand
VENTURA AIR SERVICES INC	APMA	135 On-Demand
WALL STREET HELICOPTERS	APTA	135 On-Demand
BAIR HELICOPTERS L L C	B9NA	135 On-Demand
CORNING INCORPORATED	IH1M	135 On-Demand
COSTA, JOSEPH	BJGA	135 On-Demand
ELMIRA-CORNING AIR SERVICE INC.	EL6A	135 On-Demand
GREAT CIRCLE AVIATION INC	G4CA	135 On-Demand
GREAT NORTHERN CHARTER INC.	YNYA	135 On-Demand
MK AVMART INC	MK6A	135 On-Demand
ROCHESTER AVIATION INC	OROA	135 On-Demand
TAYLOR AVIATION INC	T5YA	135 On-Demand
WELLSVILLE FLYING SERVICE INC.	BJEA	135 On-Demand
NEW ENGLAND HELICOPTER INC.	UITA	135 On-Demand
TOTAL FLIGHT MANAGEMENT INC.	TFMA	135 On-Demand
LEBANON AIRPORT DEVELOPMENT CORP.	IGZA	135 On-Demand
OHIO:		
SEYON AVIATION INC	HRZA	135 On-Demand
CORPORATE WINGS SERVICES CORPORATION.	DJFA	135 On-Demand
ALL STAR HELICOPTERS INC	MG7A	135 On-Demand
BROOKVILLE AIR PARK INC	CVXA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
CIN–AIR LP	CYWA	135 On-Demand
D AND K AVIATION INC	D05A	135 On-Demand
DIRECT AIR SERVICE	D5AA	135 On-Demand
JET AIR INC	CWUA	135 On-Demand
NORTHERN AIRMOTIVE CORP	NAQA	135 On-Demand
SUNBIRD AIR SERVICES INC	CWTA	135 On-Demand
AEROHIO AVIATION CORPORATION.	O5HA	135 On-Demand
AIR CAMIS INC	CMRA	135 On-Demand
AIR Z FLYING SERVICE INC	ZFDA	135 On-Demand
AIRWOLF HELICOPTERS INC	A4WA	135 On-Demand
AVIATION PROFESSIONALS INC.	P65A	135 On-Demand
CASTLE AVIATION INC	CSJA	135 On-Demand
CORPORATE WINGS INC	DSEA	135 On-Demand
KEMPTHORN INC	K2MA	135 On-Demand
PEREGRINE AVIATION INC	PGNA	135 On-Demand
PILOT MANAGEMENT INCORPORATED.	GKHA	135 On-Demand
WHITE AIR INC	DTCA	135 On-Demand
WINNER AVIATION CORPORATION.	W3NA	135 On-Demand
CVG AVIATION INC	CVGA	135 On-Demand
OKLAHOMA:		
AIR FLITE INC	IEEA	135 On-Demand
CENTRAL AIR SOUTHWEST INC.	ZJWA	135 On-Demand
CORPORATE AVIATION SERVICES INC.	HGTA	135 On-Demand
CORPORATE HELICOPTERS	CXEA	135 On-Demand
D AND D AVIATION INC	DQUA	135 On-Demand
DOWNTOWN AIRPARK INC	VR1A	135 On-Demand
ECKLES AIRCRAFT CO	E8AA	135 On-Demand
FALCON AIR CHARTERS LLC	F1CA	135 On-Demand
H L K ENTERPRISES INC	H7KA	135 On-Demand
INTERNATIONAL BUSINESS AIRCRAFT INC.	HMNA	135 On-Demand
JOHNSON, J P	HFXA	135 On-Demand
LITCHFIELD FLYING LTD	LFQA	135 On-Demand
T S P INC	VXIA	135 On-Demand
TULSAIR BEECHCRAFT INC	HMGA	135 On-Demand
OREGON:		
ADVANCED AVIATION SYSTEMS CORP.	GDAA	135 On-Demand
AERIAL PHOTOGRAPHY AND SURVEILLANCE CO INC.	P35A	135 On-Demand
AIR CHARTERS OF OREGON	LNFA	135 On-Demand
AVIA FLIGHT SERVICES INC	GPQA	135 On-Demand
BERTEA AVIATION INC	GMDA	135 On-Demand
BUSWELL AVIATION INC	KCZA	135 On-Demand
C AND C AVIATION INC	MGLA	135 On-Demand
DESERT AIR NORTH WEST	R7WA	135 On-Demand
E–3 HELICOPTERS INC	D2EA	135 On-Demand
EMANUEL HOSPITAL	LOVA	135 On-Demand
ERICKSON, JACK	J8KM	135 On-Demand
GOLDEN EAGLE HELICOPTERS INC.	GDCA	135 On-Demand
GRAYBACK AVIATION INC	YGBA	135 On-Demand
H AND H AVIATION INC	OHGA	135 On-Demand
HAGGLUND, CARL D	GLGA	135 On-Demand
HELI–JET CORP	GDMA	135 On-Demand
HENDERSON AVIATION CO	GCMA	135 On-Demand
HERMISTON AVIATION INC	JAXA	135 On-Demand
HILLSBORO AVIATION INC	LJEA	135 On-Demand
HOOD RIVER AIRCRAFT INC	GEUA	135 On-Demand
HORIZONS UNLIMITED AIR INC.	HXUA	135 On-Demand
J C SQUARED INC	QJUA	135 On-Demand
KEENAN, JOSEPH E AND LORI L.	WPIA	135 On-Demand
KENDALL, STANLEY F	S39A	135 On-Demand
NINE FOUR TWO THREE CHARLIE INC.	TRDA	135 On-Demand
OMNI INC	OMNA	135 On-Demand
PACIFIC FLIGHTS INC	GCZA	135 On-Demand
PACIFIC GAMBLE ROBINSON CO.	GLWA	135 On-Demand
PARAMOUNT AVIATION INC	PMTA	135 On-Demand
PREMIER JETS INC	CMWA	135 On-Demand
RAINBOW HELICOPTERS INC	QRNA	135 On-Demand
REESE BROTHERS OF OREGON INC.	PRBA	135 On-Demand
RELIANT AVIATION INC	RELA	135 On-Demand
SNOWY BUTTE HELICOPTERS INC.	S83A	135 On-Demand
SOUTH COAST AVIATION INC	S5OA	135 On-Demand
SUNSET SCENIC FLIGHTS INC	ZUNA	135 On-Demand
TERRA HELICOPTERS INC	GKSA	135 On-Demand
THE FLIGHT SHOP INC	THGA	135 On-Demand
TROUTDALE AVIATION INC	TR6A	135 On-Demand
WILDERNESS AIR CHARTERS INC.	WL9A	135 On-Demand
BAKER AIRCRAFT INC	GLQA	135 On-Demand
CIRRUS AIR L L C	C58A	135 On-Demand
EAGLE CAP AVIATION INC	YYEA	135 On-Demand
PENNSYLVANIA NCA:		
AERO EXECUTIVE SERVICES INC.	XE8A	135 On-Demand
DAVISAIR INC	DV7A	135 On-Demand
DELLARIA AVIATION INC	VJTA	135 On-Demand
EASTERN MEDI-VAC INC	VAJA	135 On-Demand
LAUREL AVIATION INC	L6VA	135 On-Demand
PENN AIR INC	BCBA	135 On-Demand
PRIMEAIR INC	P67A	135 On-Demand
PRO FLIGHT CENTER INC	P6GA	135 On-Demand
SCAIFE FLIGHT OPERATIONS	RJBM	125 Air Operator
GRANITE SALES INC	KT7A	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

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State and company name	Designator	Aggregate
INNOVATIVE AIR HELICOPTER INC.	I3HA	135 On-Demand
LEADING EDGE AVIATION INC	LE7A	135 On-Demand
LR SERVICES INC	CERA	135 On-Demand
MARC FRUCHTER AVIATION INC.	CDKA	135 On-Demand
TECH AVIATION SERVICE INC	TVMA	135 On-Demand
BRANDYWINE HELICOPTERS	YWIA	135 On-Demand
DECK, CLYDE E	AHBA	135 On-Demand
JOHNSTON, CRAIG J	JZQA	135 On-Demand
MILLS BROTHERS AVIATION	M2BA	135 On-Demand
OAK RIDGE AVIATION	HVGA	135 On-Demand
THOROUGHBRED AVIATION LTD.	TH8A	135 On-Demand
HELICOPTER SERVICES INC	HRVA	135 On-Demand
KEYSTONE HELICOPTER CORP.	EGRA	135 On-Demand
NORTHEAST AIRCRAFT CHARTER INC.	NYIA	135 On-Demand
STERLING CORP	JQVA	135 On-Demand
UNIVERSITY FLIGHT SERVICES.	U44A	135 On-Demand
PUERTO RICO:		
AIR BORINQUEN INC	B26A	135 On-Demand
AIR CALYPSO INC	Y3CA	135 On-Demand
AIR CARGO NOW	C3QA	135 On-Demand
AIR CAROLINA INC	OAWA	135 On-Demand
AIR CHARTER INC	UOIA	135 On-Demand
AIR CULEBRA INC	I1CA	135 On-Demand
AIR EXECUTIVE INC	E82A	135 On-Demand
AIR MANGO LTD	A1NA	135 On-Demand
AIR SUNSHINE INC	RSHA	135 Commuters
AMY AIR	I5RA	135 On-Demand
BENITEZ, PEDRO FELICIANO	HREA	135 On-Demand
CARIBBEAN HELICORP	C26A	135 On-Demand
CITY WINGS INC	W5NA	135 On-Demand
COPTERS CORP	IJKA	135 On-Demand
CORPORATE AIR CHARTER INC.	QOAA	135 On-Demand
DIAZ AVIATION CORP	FITA	135 On-Demand
DODITA AIR CARGO INC	WNRB	125 Air Operator
FAJARDO AIR EXPRESS INC	C7JA	135 On-Demand
FC AIR INC	XFIA	135 On-Demand
ICARUS CARIBBEAN CORP	IISA	135 On-Demand
ISLA GRANDE FLYING SCHOOL AND SERVI.	FHSA	135 On-Demand
ISLA NENA AIR SERVICE INC	IN9A	135 On-Demand
M AND N AVIATION	XXDA	135 On-Demand
MBD CORP	FIUA	135 On-Demand
PEREZ, LUIS A	A6PA	135 On-Demand
PRO-AIR INC	POEA	135 On-Demand
PRO-AIR SERVICES	FHFA	135 On-Demand
PUERTO RICO AIRWAYS	P8YA	121 Domestic/Flag
ROBLEX AVIATION COMPANY	R8XA	135 On-Demand
SAN JUAN JET CHARTER INC	XJUA	135 On-Demand
VIEQUES AIR LINK INC	VLIA	135 Commuters
RHODE ISLAND:		
AQUIDNECK AVIATION INC	UU7A	135 On-Demand
RLV INDUSTRIES INC	R5VA	135 On-Demand
SOUTH CAROLINA:		
ACE AVIATION	A8CA	135 On-Demand
AIRSTREAM AVIATION INC	HX0A	135 On-Demand
ANDERSON AVIATION INC	FEAA	135 On-Demand
ARDALL INC	FEJA	135 On-Demand
CAROLINA AIR SERVICES INC	C7AA	135 On-Demand
CRACKER BOX CORPORATION.	X8BA	135 On-Demand
EAGLE AVIATION INC	FEHA	135 On-Demand
SINTRAIR INC	I5SA	135 On-Demand
SPECIAL SERVICES CORPORATION.	Z3SA	135 On-Demand
STEVENS AVIATION INC	VIBA	135 On-Demand
SYSTEMS SOFT INC	C2BA	135 On-Demand
TYLER AVIATION INC	FEFA	135 On-Demand
WHITES AVIATION INC	FERA	135 On-Demand
SOUTH DAKOTA:		
JOHNSON FLYING SERVICES	EKWA	135 On-Demand
TENNESSEE:		
AVERITT AIR CHARTER INC	N9VA	135 On-Demand
C AND G AIRCRAFT SALES INC.	FKDA	135 On-Demand
CHOO CHOO AVIATION L L C	Q75A	135 On-Demand
COLEMILL ENTERPRISES INC	DVIA	135 On-Demand
CORPORATE AIR FLEET INC	VUCA	135 On-Demand
DERRYBERRY, WILLIS CLAY	FJGA	135 On-Demand
DICKSON AIR CENTER L L C	D8KA	135 On-Demand
EDWARDS AND ASSOCIATES INC.	FKFA	135 On-Demand
EXECUTIVE AIRCRAFT SERVICES INC.	XEOA	135 On-Demand
FORWARD AIR INTERNATIONAL AIRLINES INC.	L17A	135 On-Demand
FOSTER AIRCRAFT INC	F6RA	135 On-Demand
GLOBAL AIR SERVICES INC	G8SA	135 On-Demand
GRAHAM, HAROLD	G3HA	135 On-Demand
HELICOPTER CORPORATION OF AMERICA.	NZCA	135 On-Demand
MAYES, NORMAN C	DVQA	135 On-Demand
PROFESSIONAL AIR CHARTER INC.	OYPA	135 On-Demand
SILVER AVIATION INC	GJSA	135 On-Demand
SPRAY, CARL	FJXA	135 On-Demand
WINGS OF EAGLES AIR SERVICE INC.	WE8A	135 On-Demand
XPRESS AIR INC	XIGA	135 On-Demand
AIR NORTH LTD	A9NA	135 On-Demand
AMERICAN HEALTH AVIATION INC.	A8HA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
BATTLES, RICHARD	ZEGA	135 On-Demand
EASTERLING, ELLIS R III AND MELODI J.	EEMA	135 On-Demand
GILDING, BERNARD	FLDA	135 On-Demand
MIDSOUTH AVIATION ALLIANCE CORP.	M4DA	135 On-Demand
RICHARDS AVIATION INC	FLHA	135 On-Demand
SOUTHERN FLYING SERVICE	YZLA	135 On-Demand
SWOR AVIATION	SVKA	135 On-Demand
MONARCH AIRCRAFT INC	M3AM	125 Air Operator
TEXAS:		
GE CAPITAL AVIATION SERVICES INC.	G8EM	125 Air Operator
JULIES AIRCRAFT SERVICE INC.	JULA	135 On-Demand
AEROVATION INC	QIAA	135 On-Demand
BIG SKY AIR INC	1YBM	125 Air Operator
C AND S AVIATION LTD	C4SA	135 On-Demand
CHAMPIONSHIP AIRWAYS	MV9B	125 Air Operator
CHERRY-AIR INC	CEDA	135 On-Demand
DYNAMIC VENTURES INC	DYMA	135 On-Demand
EXECUTIVE AIRE EXPRESS INC.	E18A	135 On-Demand
EXECUTIVE AIRLINES COMPANY INC.	E4LA	135 On-Demand
FORENSIC SERVICES INC	IDWA	135 On-Demand
G T A INVESTMENTS INC	XGNA	135 On-Demand
HALL AIRWAYS INC	H05A	135 On-Demand
J O H AIR INC	KVDA	135 On-Demand
MARTINAIRE EAST INC	MAQA	135 On-Demand
MARTINAIRE INC	MT9A	135 On-Demand
NORTHERN AIR INC	N6TM	125 Air Operator
OMNIFLIGHT HELICOPTERS INC.	RMXA	135 On-Demand
STANLEY, JACKY GLEN	QJGA	135 On-Demand
TXI AVIATION INC	GQRA	135 On-Demand
EXPRESS ONE INTERNATIONAL INC.	EISA	121 Supplemental
LEGEND AIRLINES INC	L1GA	121 Domestic/Flag
ACUNA, EDWARD SR	GWLA	135 On-Demand
AIR AMERICA JET CHARTER INC.	VKMA	135 On-Demand
AIR CHARTERS INC	YWGA	135 On-Demand
AIR ROUTING INTERNATIONAL CORP.	VRIA	135 On-Demand
ARAMCO ASSOCIATED CO	ASCB	125 Air Operator
BASEOPS INTERNATIONAL INC.	UBIA	135 On-Demand
EVERGREEN HELICOPTERS INTERNATIONAL INC.	EGIA	135 On-Demand
EXECUTIVE AIR CHARTER	E1XA	135 On-Demand
HUTCH AVIATION CENTER INC.	XYGA	135 On-Demand
JMC AVIATION INC	J3CA	135 On-Demand
P K CHARTER INC	PKCA	135 On-Demand
PROJECT ORBIS INC	POIM	125 Air Operator
SALAIKA, TIMOTHY ALBERT	GWHA	135 On-Demand
TEM-KIL COMPANY INC	TK8A	135 On-Demand
THUNDERBIRD AIRWAYS INC	T4BA	135 On-Demand
WESTERN AIRWAYS	WAIA	135 On-Demand
CONFEDERATE AIR FORCE	CAFM	125 Air Operator
JETMAN L C	JM0A	135 On-Demand
WESTERN AIR EXPRESS INC	WX5A	135 On-Demand
HALLIBURTON CO	LXNM	125 Air Operator
ADVANTAGE AIR CHARTER INC.	YDVA	135 On-Demand
HELICOPTER EXPERTS INC	H2EA	135 On-Demand
JARRALL GABRIEL AIRCRAFT CHARTER COMPANY INC.	HKJA	135 On-Demand
MCCREERY AVIATION CO INC	HLFA	135 On-Demand
SAN ANTONIO PIPER INC	MMPA	135 On-Demand
SIERRA INDUSTRIES—UVALDE FLIGHT CENTER.	UVFA	135 On-Demand
TEXAS AMERICAN AIRCRAFT SALES INC.	T3XA	135 On-Demand
ZESCH AIR CHARTER INC	Z7CA	135 On-Demand
ARLINGTON JET CHARTER COMPANY INC.	IJLA	135 On-Demand
DAVID NICKLAS ORGAN DONOR AWARENESS FOUNDATION INC.	DO6M	125 Air Operator
EAGLE AIR ENTERPRISES INC	ELEA	135 On-Demand
HELIJET HOLDINGS INC	H39A	135 On-Demand
MONTEX DRILLING CO	MDCM	125 Air Operator
NORTH CENTRAL TEXAS SERVICES INC.	NXTA	135 On-Demand
REL AVIATION MARINE	R6LA	135 Commuters
TEXAS AERO INC	GRMA	135 On-Demand
TEXAS AIR CHARTERS INC	GO7A	135 On-Demand
UTAH:		
AERO-COPTERS OF ARIZONA INC.	DQBA	135 On-Demand
AIRCRAFT SPECIALITIES COMPANY.	DQQA	135 On-Demand
DESERT AIR TRANSPORT INC	D7TA	135 On-Demand
DINALAND AVIATION INC	DYSA	135 On-Demand
GREAT WESTERN AVIATION INC.	DPOA	135 On-Demand
HELOWOOD HELICOPTERS INC.	DYWA	135 On-Demand
KOLOB CANYONS AIR SERVICES L L C.	K51A	135 On-Demand
MIDWAY AVIATION INC	MZQA	135 On-Demand
RICHARDS, BEN JAMES	DQMA	135 On-Demand
RIVERS AVIATION INC	DD7A	135 On-Demand
SCENIC AVIATION INC	DYVA	135 On-Demand
SLICKROCK AIR GUIDES INC	S2GA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
TRANS WEST AIR SERVICES INC.	TV0A	135 On-Demand
W ENTERPRISE HELICOPTERS	W9EA	135 On-Demand
VIRGINIA:		
LINE POWER MANUFACTURING CORP.	FJDA	135 On-Demand
AEROMANAGEMENT FLIGHT SERVICES INC.	X58A	135 On-Demand
BLUE RIDGE AERO SERVICE	B8OM	125 Air Operator
AIR GERONIMO CHARTER INC.	C8PA	135 On-Demand
CHESAPEAKE AVIATION INC	CRGA	135 On-Demand
COMFORT AVIATION SERVICES INC.	H54A	135 On-Demand
COMMONWEALTH AVIATION SERVICE INC.	VXWA	135 On-Demand
EXECUTIVE AIR INC	BHVA	135 On-Demand
INTERNATIONAL JET CHARTER INC.	IJ9M	125 Air Operator
INTERNATIONAL JET CHARTER INC.	UIJA	135 On-Demand
SAKER, WILLIAM G	JPCA	135 On-Demand
SOUTHERN VIRGINIA AVIATION INC.	S2VA	135 On-Demand
UNITED AIR SERVICES CO	UNAA	135 On-Demand
VALLEY AIR INC	VA7A	135 On-Demand
AIR AMERICAN SUPPORT INC	B38M	125 Air Operator
DORNIER AVIATION NORTH AMERICA INC.	D9AM	125 Air Operator
MERCY MEDICAL AIRLIFT	MYHA	135 On-Demand
OC INC	X20A	135 On-Demand
SAAB AIRCRAFT OF AMERICA INC.	S4RM	125 Air Operator
VIRGIN ISLANDS:		
ACE FLIGHT CENTER	JLZA	135 On-Demand
ATLANTIC AIRCRAFT INC	X25M	125 Air Operator
CLAIR AERO	EO7A	135 On-Demand
CORPORATE CHARTER SERVICE INC.	C6CA	135 On-Demand
DOMTRAVE AIRWAYS INC	FINA	135 On-Demand
FOUR STAR AVIATION INC	FHCA	135 On-Demand
FRESH AIR INC	F6AB	125 Air Operator
ISLAND AIR CHARTERS INC	I5AA	135 On-Demand
PREMIER AIRWAYS INC	PI7A	135 On-Demand
ROI INC	R6IA	135 On-Demand
SHILLINGFORD, CLINTON K	FHVA	135 On-Demand
ST JOHN SEAPLANE INC	S2JA	135 On-Demand
VIRGIN AIR INC	VAIA	135 Commuters
WRA INC	FOWA	135 On-Demand
VERMONT:		
VALLEY AIR SERVICES INC	IGXA	135 On-Demand
WASHINGTON:		
ALASKAS WILDERNESS LODGE INC.	AIWC	135 On-Demand
AEROCOPTERS INC	GKDA	135 On-Demand
AIR RAINIER INC	R5IA	135 On-Demand
AIRPAC AIRLINES INC	APCA	135 On-Demand
COOL AIR INC	CJOA	135 On-Demand
DAVIS AVIATION INC	XZDA	135 On-Demand
ERICKSON AVIATION	E4SA	135 On-Demand
GALVIN FLYING SERVICE INC	HUNA	135 On-Demand
HALEY, JOSEPH R	OF7A	135 On-Demand
HANSON, ROGER D	O9AA	135 On-Demand
HELICOPTER CONSULTANTS INC.	H89A	135 On-Demand
JEM INVESTMENTS INC	O4CM	125 Air Operator
LUDLOW AVIATION INC	HUMA	135 On-Demand
METHOW AVIATION INC	GGPA	135 On-Demand
NATIONAL CHARTER NETWORK INC.	NCRA	135 On-Demand
NATURES DESIGNS INC	V5IA	135 On-Demand
NORTHERN TIER AIRLINES INC.	NOQA	135 On-Demand
NORTHWEST HELICOPTERS INC.	NTWA	135 On-Demand
PACKARD, THOMAS G	TCZA	135 On-Demand
PAVCO INC	PVCA	135 On-Demand
PHX INC	GHCA	135 On-Demand
PUGET SOUND AIR COURIER	P84A	135 On-Demand
RITE BROS AVIATION INC	RTEA	135 On-Demand
ROGERS, RICHARD O	IRTA	135 On-Demand
SNOHOMISH FLYING SERVICE INC.	GIQA	135 On-Demand
SPORTCO INVESTMENTS II INC.	OB7M	125 Air Operator
VULCAN NORTHWEST INC	VN8M	125 Air Operator
WEST ISLE AIR INC	HUFA	135 Commuters
WINGS ALOFT INC	GHAA	135 On-Demand
AIRCRAFT SPECIALITIES LTD	GLSA	135 On-Demand
EVANS, JOHN F AND GRATZER, DAREL.	GKPA	135 On-Demand
KELSO FLIGHT SERVICE INC	K5FA	135 On-Demand
KOLBE, BARRY J	LJOA	135 On-Demand
MT ADAMS LUMBER COMPANY INC.	GEGA	135 On-Demand
ARCHER AVIATION INC	KWYA	135 On-Demand
BERGSTROM AIRCRAFT INC	GMOA	135 On-Demand
COMMANDER NORTHWEST LTD.	CMMA	135 On-Demand
EAGLE HELICOPTERS INC	IOAA	135 On-Demand
EVANS AVIATION INC	EAIB	125 Air Operator
FALCON WEST HELICOPTERS INC.	OFWA	135 On-Demand
FELTS FIELD AVIATION INC	GFVA	135 On-Demand
INLAND NORTHWEST HELICOPTERS L L C.	I7HA	135 On-Demand
INTER-STATE AVIATION INC	GGSA	135 On-Demand

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

State and company name	Designator	Aggregate
KENNEWICK AIRCRAFT SERVICES INC.	K3WA	135 On-Demand
LAKE CHELAN AIR SERVICE INC.	LCCA	135 On-Demand
MIDSTATE AVIATION INC	GGUA	135 On-Demand
NOLAND-DECOTO FLYING SERVICE INC.	GGNA	135 On-Demand
OKANOGAN AIR SERVICE INC	GGDA	135 On-Demand
POPE, JAMES R	GGVA	135 On-Demand
RMA INC	VVRA	135 On-Demand
SKYRUNNERS CORP	SKQA	135 On-Demand
THOMAS, CHARLES R	GFXA	135 On-Demand
PACIFIC NORTHWEST HELICOPTERS INC.	PNGA	135 On-Demand
NOBLE AIR INC	NB9A	135 On-Demand
WISCONSIN:		
AIR CARGO CARRIERS INC	DATA	135 On-Demand
AIR CHARTER LTD	A3CA	135 On-Demand
AIR RESOURCE INC	UROA	135 On-Demand
GAIL FORCE CORPORATION	QGKA	135 On-Demand
GROSS, KURT R	W9SA	135 On-Demand
KENDALL, TERRY A	K3FA	135 On-Demand
MAGNUS AVIATION INC	AYQA	135 On-Demand
MAXAIR INC	MAXA	135 On-Demand
MILWAUKEE GENERAL AVIATION INC.	OWWA	135 On-Demand
ROESSEL AVIATION INC	QROA	135 On-Demand
SELECT LEASING INC	J13M	125 Air Operator
SKYTRANS AVIATION INC	S02A	135 On-Demand
STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION.	ZWSA	135 On-Demand
T AND J AVIATION CO INC	DAZA	135 On-Demand
TRANS NORTH AVIATION LTD	EBFA	135 On-Demand
NAE INC	NE9A	135 On-Demand
WEST VIRGINIA:		
EXECUTIVE AIR TERMINAL INC.	E96A	135 On-Demand
FRED L HADDAD INC	HDZA	135 On-Demand
GREENBRIER VALLEY AVIATION INC.	BYWA	135 On-Demand
HELICOPTER FLITE SERVICES INC.	BXOA	135 On-Demand
JEDA INC	EJDA	135 On-Demand
RADER AVIATION INC	BXSA	135 On-Demand
STONE RIVER LLC	B9ZA	135 On-Demand
WYOMING:		
AIR CAROLINA INC	TB7A	135 On-Demand
BIGHORN AIRWAYS INC	BIGA	135 On-Demand
CASPER AIR SERVICE INC	CBCA	135 On-Demand
FLIGHTLINE AVIATION SERVICES INC.	F3NA	135 On-Demand
FRANKLIN AVIATION INC	FK9A	135 On-Demand
HAWKINS AND POWERS AVIATION INC.	BZBA	135 On-Demand
POWERS AND HAWKINS ENTERPRIZES.	PHEB	125 Air Operator
SHANE, RONALD A AND SHARON L.	BYYA	135 On-Demand
SKULL CREEK AIR SERVICE	UKLA	135 On-Demand
SKY AVIATION CORP	BZHA	135 On-Demand

Mr. DODD. Mr. President, lastly, all of us have a sense of responsibility to our constituents and the people of this country to act when we have information that raises concerns about the safety of an industry over this new millennium period. Since so many air carriers did not respond to the FAA survey, I have unanswered questions about the safety of these companies to which we deserve the answers. The irresponsibility of these carriers and companies that fail to respond prompts me to offer this amendment which I have already sent to the desk on behalf of Senator BENNETT, myself, Senator MCCAIN, Senator HOLLINGS, and Senator ROCKEFELLER.

We realize the FAA already has the authority to suspend a carrier's flying privileges under appropriate circumstances. With this proposal, we want to make it explicit that Y2K noncompliance is one of those circumstances. Under the amendment, any air carrier that does not respond by November 1 to the FAA's request for information about their Y2K status may be required to surrender its operating certificate. It is simple. If you don't comply, you don't fly. The FAA will have the authority to keep you grounded.

Air carriers do business not by right, but by privilege. Most fulfill their responsibilities with distinction, offering services unmatched by any country on the face of this Earth.

Since the Y2K noncompliance of air carriers may raise safety issues, Congress must ensure that the privilege of possessing a certificate can be withdrawn from carriers and manufacturers that fail to give their regulator, the FAA, the information that is central to the safety of the flying public. This amendment does just that. We hope it spurs these carriers and manufacturers to respond to the survey before November 1, and we know it will reassure the public about the safety of the aviation system as we enter this new millennium, just 87 days away.

I urge the adoption of the amendment and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the chairman of the full committee is here. On the Democratic side, the amendment is acceptable, and I believe that is the case on the Republican side, but I will let the chairman of the full committee speak for himself.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Connecticut for his usual perspective on an important issue that had escaped the attention of this committee, and it is an important issue. His involvement in the Y2K issue clearly indicates he is qualified to discuss this issue, and this amendment will be extremely helpful. I thank the Senator from Connecticut.

I believe there is no further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2241), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, we are working through most of the amendments. We are close except for a couple. We have a number that have been agreed to. I would like to clear some that have been agreed to by both sides.

AMENDMENT NO. 2256

(Purpose: to establish a commission to study the airline industry and to recommend policies to ensure consumer information and choice)

Mr. MCCAIN. Mr. President, I send to the desk an amendment on behalf of Senator BURNS and Senator ASHCROFT.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. BURNS, for himself and Mr. ASHCROFT, proposes an amendment numbered 2256.

The amendment is as follows:

At the appropriate place insert:

TITLE —

SECTION 1. SHORT TITLE.

This title may be cited as the ''Improved Consumer Access to Travel Information Act''.

SEC. 2. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(b) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(c) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) consumer access to information about the products and services of the airline industry;

(B) the effect on the marketplace on the emergency of new means of distributing such products and services;

(C) the effect on consumers of the declining financial condition of travel agents in the United States; and

(D) the impediments imposed by the airline industry on distributors of the industry's products and services, including travel agents and Internet-based distributors.

(2) POLICY RECOMMENDATIONS.—Based on the results of the study described in paragraph (1), the Commission shall recommend to the President and Congress policies necessary to—

(A) ensure full consumer access to complete information concerning airline fares, routes, and other services;

(B) ensure that the means of distributing the products and services of the airline industry, and of disseminating information about such products and services, is adequate to ensure that competitive information is available in the marketplace;

(C) ensure that distributors of the products and services of the airline industry have adequate relief from illegal, anticompetitive practices that occur in the marketplace; and

(D) foster healthy competition in the airline industry and the entry of new entrants.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—In carrying out the study authorized under subsection (c)(1), the Commission shall specifically address the following:

(1) CONSUMER ACCESS TO INFORMATION.—With respect to consumer access to information regarding the services and products offered by the airline industry, the following:

(A) The state of such access.

(B) The effect in the 5-year period following the date of the study of the making of alliances in the airline industry.

(C) Whether and to what degree the trends regarding such access will produce benefits to consumers.

(2) MEANS OF DISTRIBUTION.—With respect to the means of distributing the products and services of the airline industry, the following:

(A) The state of such means of distribution.

(B) The roles played by travel agencies and Internet-based providers of travel information and services in distributing such products and services.

(C) Whether the policies of the United States promote the access of consumers to multiple means of distribution.

(3) AIRLINE RESERVATION SYSTEMS.—With respect to airline reservation systems, the following:

(A) The rules, regulations, policies, and practices of the industry governing such systems.

(B) How trends in such systems will affect consumers, including—

(i) the effect on consumer access to flight reservation information; and

(ii) the effect on consumers of the use by the airline industry of penalties and promotions to convince distributors to use such systems, and the degree of consumer awareness of such penalties and promotions.

(4) LEGAL IMPEDIMENTS TO DISTRIBUTORS SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—The policies of the United States with respect to the legal impediments to distributors seeking relief for anticompetitive actions, including—

(A) Federal preemption of civil actions against airlines; and

(B) the role of the Department of Transportation in enforcing rules against anticompetitive practices.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

(A) 5 voting members and 1 nonvoting member appointed by the President.

(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Voting members appointed under paragraph (1) shall be appointed from among individuals who are experts in economics, service product distribution, or transportation, or any related discipline, and who can represent consumers, passengers, shippers, travel agents, airlines, or general aviation.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairperson of the Commission (referred to in this Act as the ''Chairperson'') from among its voting members.

(f) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of voting members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(g) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(i) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(j) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(k) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c)(2).

(l) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (k). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(m) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

Mr. MCCAIN. Mr. President, that amendment has been accepted by both sides, and there is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2256) was agreed to.

AMENDMENT NO. 1925

(Purpose: expressing the sense of the Senate concerning air traffic over northern Delaware)

Mr. MCCAIN. Mr. President, on behalf of Senator ROTH, I send amendment No. 1925 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ROTH, proposes an amendment numbered 1925.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.

(a) DEFINITION.—The term ''Brandywine Intercept'' means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Transportation should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of

title 14 of the Code of Federal Regulations required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

Mr. MCCAIN. Mr. President, this amendment has been agreed to by both sides. There is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1925) was agreed to.

AMENDMENT NO. 2251

(Purpose: to restore the eligibility of reliever airports for Airport Improvement Program Letters of Intent)

Mr. MCCAIN. Mr. President, I send to the desk amendment No. 2251 on behalf of Senator ABRAHAM.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ABRAHAM, proposes an amendment numbered 2251.

The amendment is as follows:

On page 14, strike lines 9 through 11.

Mr. MCCAIN. Mr. President, this amendment has been agreed to by both sides, and there is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2251) was agreed to.

AMENDMENT NO. 1909

(Purpose: to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes)

Mr. MCCAIN. Mr. President, on behalf of myself, I send amendment No. 1909 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1909.

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 01. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(6) $240,000,000 for fiscal year 2000;

''(7) $250,000,000 for fiscal year 2001; and

''(8) $260,000,000 for fiscal year 2002;''.

SEC. 02. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new clause:

''(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.''; and

(2) in paragraph (3), by inserting ''The report shall be prepared in accordance with requirements of section 1116 of title 31, United States Code.'' after ''effect for the prior fiscal year.''.

(b) REQUIREMENT.—Not later than March 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

SEC. 03. INTERNET AVAILABILITY OF INFORMATION.

The Administrator of the Federal Aviation Administration shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 04. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of title 49, United States Code, is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

SEC. 05. POST FREE FLIGHT PHASE I ACTIVITIES.

No later than May 1, 2000, the Administrator of the Federal Aviation Administration shall transmit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

SEC. 06. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator of the Federal Aviation Administration shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield payment research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 07. SENSE OF SENATE REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of the Senate that with the World Radio Communication Conference scheduled to begin in May, 2000, and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

SEC. 08. STUDY.

The Secretary shall conduct a study to evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transmit Research Program to the research needs of airports.

Mr. MCCAIN. Mr. President, the amendment is agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1909) was agreed to.

AMENDMENTS NOS. 1911, 1897, 1914, 2238, EN BLOC

Mr. MCCAIN. Mr. President, I send the final four amendments to the desk en bloc. They are amendment No. 1911 on behalf of Senator FEINSTEIN, amendment No. 1897 on behalf of Senator ABRAHAM, amendment No. 1914 on behalf of Mr. TORRICELLI, and amendment No. 2238 on behalf of Senator CONRAD. I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 1911, 1897, 1914, and 2238, en bloc.

The amendments are as follows:

AMENDMENT NO. 1911

(Purpose: To direct the Secretary of Transportation, acting throiugh the Administrator of the Federal Aviation Administration, to issue regulations relating to the outdoor air and ventilation requirements for ventilation for passenger cabins)

At the appropriate place, insert the following new section:

SEC. ___. STUDY OF OUTDOOR AIR, VENTILATION, AND RECIRCULATION AIR REQUIREMENTS FOR PASSENGER CABINS IN COMMERCIAL AIRCRAFT.

(a) DEFINITIONS.—In this section, the terms ''air carrier'' and ''aircraft'' have the meanings given those terms in section 40102 of title 49, United States Code.

(b) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ''Secretary'') shall conduct a study of sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air

supply. To carry out this paragraph, the Secretary may enter into an agreement with the Director of the National Academy of Sciences for the National Research Council to conduct the study.

(c) AVAILABILITY OF INFORMATION.—Upon completion of the study under this section in one year's time, the Administrator of the Federal Aviation Administration shall make available the results of the study to air carriers through the Aviation Consumer Protection Division of the Office of the General Counsel for the Department of Transportation.

AMENDMENT NO. 1897

(Purpose: To provide for a General Aviation Metropolitan Access and Reliever Airport Grant Fund)

At the appropriate place insert the following:

SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrument landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.''

(b) APPORTIONMENT.—Title 49, United States Code, section 47114(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 percent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airports compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports.''

AMENDMENT NO. 1914

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on airport noise)

At the appropriate place in title IV, insert the following:

SEC. 4___. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(b) AREAS OF STUDY.—The study shall examine—

(1) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(2) the threshold of noise at which health impacts are felt;

(3) the effectiveness of noise abatement programs at airports around the United States; and

(4) the impacts of aircraft noise on students and educators in schools.

(c) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

AMENDMENT NO. 2238

SECTION 1. SENSE OF THE SENATE.

It is the Sense of the Senate that—

(a) essential air service (EAS) to smaller communities remains vital, and that the difficulties encountered by many of communities in retaining EAS warrant increased federal attention.

(b) the FAA should give full consideration to ending the local match required by Dickinson, North Dakota.

SEC. 2. REPORT.

Not later than 60 days after enactment of this legislation, the Secretary of Transportation shall report to the Congress with an analysis of the difficulties faced by many smaller communities in retaining EAS and a plan to facilitate easier EAS retention. This report shall give particular attention to communities in North Dakota.

Mr. MCCAIN. Mr. President, those amendments are agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1911, 1897, 1914, and 2238) were agreed to.

Mr. BURNS. Mr. President, I rise today to introduce an amendment to S. 82, the Air Transport Improvement Act. This amendment will establish a commission to study the future of the travel agent industry and determine the consumer impact of airline interaction with travel agents.

Since the Airline Deregulation Act of 1978 was enacted, major airlines have controlled pricing and distribution policies of our nation's domestic air transportation system. Over the past four years, the airlines have reduced airline commissions to travel agents in an competitive effort to reduce costs.

I am concerned the impact of today's business interaction between airlines and travel agents may be a driving force that will force many travel agents out of business. Combined with the competitive emergence of Internet services, these practices may be harming an industry that employs over 250,000 Americans.

This amendment will explore these concerns through the establishment of a commission to objectively review the emerging trends in the airline ticket distribution system. Among airline consumers there is a growing concern that airlines may be using their market power to limit how airline tickets are distributed.

Mr. President, if we lose our travel agents, we lose a competitive component to affordable air fare. Travel agents provide a much needed service and without, the consumer is the loser.

The current use of independent travel agencies as the predominate method to distribute tickets ensures an efficient and unbiased source of information for air travel. Before deregulation, travel agents handled only about 40% of the airline ticket distribution system. Since deregulation, the complexity of the ticket pricing system created the need for travel agents resulting in travel agents handling nearly 90% of transactions.

Therefore, the travel agent system has proven to be a key factor to the success of airline deregulation. I'm afraid, however, that the demise of the independent travel agent would be a factor of deregulation's failure if the major airlines succeed in dominating the ticket distribution system.

Travel agents and other independent distributors comprise a considerable portion of the small business sector in the United States. There are 33,000 travel agencies employing over 250,000 people. Women or minorities own over 505 of travel agencies.

The assault on travel agents has been fierce. Since 1995, commissions have been reduced by 30%, 14% for domestic travel alone in 1998. Since 1995, travel agent commissions have been reduced from an average of 10.8% to 6.9% in 1998. Travel agencies are failing in record numbers.

Mr. President, I think it is important to study this issue as well as the related issues of the current state of ticket distribution channels, the importance of an independent system on small, regional, start-up carriers, and the role of the Internet. I would like to ask my colleagues to support this important amendment.

DEKALB-PEACHTREE AIRPORT

Mr. COVERDELL. Mr. President, will the distinguished chairman of the Senate Commerce Committee yield for a question?

Mr. MCCAIN. I will be happy to yield to the senior Senator from Georgia.

Mr. COVERDELL. Mr. President, the DeKalb-Peachtree Airport is the second busiest airport in Georgia, and this level of activity makes living and working in this area noisy and dangerous. Businesses cannot expand, and poorer residents cannot afford to move until a government buy-out of these properties is completed. The Federal Aviation Administration, commonly referred to as the FAA, has done studies which show that increased operations at Dekalb-Peachtree Airport are too noisy and unsafe for residents and businesses in the northern vicinity of the airport. While the FAA has provided some relief and been helpful in the purchasing of some homes, there needs to be a speedy conclusion to this buy-out process in order to allow these homes and businesses to move to safer areas and give the airport the room it requires to meet an ever-increasing demand. Additional FAA funding is needed as soon as possible. to complete this task, would the Chairman be willing provide additional federal funding in the FAA reauthorization bill to address this situation?

Mr. MCCAIN. I appreciate the efforts of the senior Senator from Georgia on behalf of his constituents and for bringing this matter to the attention of the Senate at the beginning of this Congress. As the Senator may know, there are a number of businesses and

residents located near other airports across the country in a similar situation to what is occurring at the Dekalb-Peachtree Airport. The Commerce Committee has authorized a significant increase in noise mitigation funding for the FAA to address this problem and accelerate the buy-out process.

Mr. COVERDELL. I thank the chairman for his assistance. My staff and I look forward to working with him and the junior Senator from Georgia on this important matter.

Mr. CLELAND. Will the chairman yield for another question?

Mr. MCCAIN. I will be happy to yield to the junior Senator from Georgia.

Mr. CLELAND. Mr. President, the noise mitigation funding which this bill authorizes is very much needed—and appreciated—by communities located near our nation's airports. Over 10 years ago, Georgia's second busiest airport, Dekalb-Peachtree Airport, began a runway expansion program to accommodate its increased traffic. Six years ago, the FAA began providing funding to relocate the residential homes located in the Airport's Runway Protection Zone. Thanks to noise mitigation money, 108 homes have had the opportunity to relocate. Unfortunately, after a decade, 58 homes and 61 businesses are still in limbo, and still impacted by the noise from 225,000 flights a year. This community near Atlanta—and I am sure there are communities in similar straights in Arizona—has suffered for years, because the buy-out has gone on far too long. Don't you agree that in determining the need for noise money, the FAA should take into consideration the harmful, drawn-out impact on communities from long-standing projects which have awaited completion over a number of years?

Mr. MCCAIN. The Senator is correct. As the Senator knows, in the report accompanying the Federal Aviation Administration reauthorization bill, the Commerce Committee, at the instigation of the Junior Senator from Georgia, urges the FAA to take into consideration the negative impact on communities, like DeKalb County, of such unresolved long-standing projects when allocating noise mitigation money.

Mr. CLELAND. I thank the chairman for his remarks, and I look forward to continuing to work with the Senator from Arizona and my colleague from Georgia to complete the Dekalb-Peachtree Airport buy-out.

LOUISVILLE AIRPORT

Mr. BUNNING. Mr. President, I want to express my hope that Senators MCCAIN and GORTON will work to include language in the conference report accompanying S. 82, which is of great importance to the Regional Airport Authority of Louisville and Jefferson County, KY. I would like to provide a brief explanation of the need for this provision and what it is intended to accomplish.

Mr. MCCAIN. I thank the Senator from Kentucky for his support of the legislation and we are pleased to hear his views on this provision.

Mr. BUNNING. In 1991, the Regional Airport Authority of Louisville and Jefferson County entered into a letter of intent (LOI) with the Federal Aviation Administration for funding from the Airport Improvement Program for an ambitious expansion of the Louisville Airport. The LOI was for $126 million. When the new east runway was completed in 1995 and ready for operation, Louisville was informed that no funds were available in the FAA Facilities and Equipment Account (F&E) to provide an Instrument Landing System (ILS), thus rendering the new runway inoperative. FAA advised Louisville that if they procured the ILS, the FAA would later reimburse them for the expenditure of $5.68 million for the system.

Mr. MCCAIN. I can appreciate the demands on the F&E account for these expenditures and can well understand how such a regrettable situation might occur.

Mr. BUNNING. We currently have a confusing situation where the FAA has informed Louisville that $4.2 million in funds drawn down against the LOI in 1998 were for reimbursement for the ILS.

Mr. MCCAIN. As the Senator knows, the FAA routinely provides safety and navigational equipment to airports.

Mr BUNNING. Yes, indeed. That is precisely the purpose of the language. The $4.2 million the FAA designated as reimbursement is money the Louisville Airport would have received under the $126 million LOI anyway. The provision in the legislation simply directs the FAA to amend the existing LOI with the Regional Airport Authority to increase it by $5.68 million, thus reimbursing Louisville the total cost of the ILS.

Mr. MCCAIN. It is my understanding that a similar provision was included in the Statement of Managers accompanying the Transportation appropriations legislation for fiscal year 2000.

Mr. BUNNING. That is correct.

Mr. MCCAIN. I thank the Senator for his description of the situation, and I will be happy to continue to work to rectify this matter.

Mr. BUNNING. I thank the Senators for their assistance.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that Dan Elwell, a congressional fellow in Senator STEVENS' office, be granted the privilege of the floor for the pendency of the Senate consideration of S. 82.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding the agreement of yesterday referencing the filing of amendments, Senator FITZGERALD be recognized and that it be in order for him to offer an amendment not previously filed, and that the amendment then be agreed to. Prior to that, if it is agreeable with Senator FITZGERALD, Senator ASHCROFT wants to have 5 minutes to make a statement. I ask unanimous consent that prior to that, Senator ASHCROFT have 5 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered. The Senator from Missouri is recognized.

NOMINATION OF RONNIE WHITE

Mr. ASHCROFT. Mr. President, I thank the Senator from Arizona for affording me this opportunity to make some remarks regarding the vote on the nomination of Ronnie White.

Yesterday, in accordance with the unanimous consent agreement entered into last week, we set aside substantially over an hour to debate not only the White nomination but a number of other nominations which came before the Senate today. I was here for that debate, I engaged in that debate, and I outlined my opposition to Judge White, not my opposition based on anything personal or based on my distaste in any way for the judge, but based on my real reservations about his record as it relates to law enforcement.

After the conclusion of the vote today, there were a number of individuals who secured integrals of time to speak about that nomination and about that vote and raised questions that more properly should have been raised in the debate, and, secondly, deserve a response. So I come to respond in that respect.

I want to explain why I believe Judge White should not have been confirmed, and I believe the Senate acted favorably and appropriately in protecting the strong concerns raised by law enforcement officials.

The National Sheriffs Association expressed their very serious opposition to the nomination of Judge White. The Missouri Federation of Chiefs of Police expressed their opposition. The Missouri Sheriffs Association raised strong concerns and asked for a very serious consideration. In my conferences with law enforcement officials, prosecutors and judges, they raised serious concerns; so that when those who come to the floor today talk about this nomination in a context that is personal rather than professional and is political rather than substantive, I think they miss the point.

There are very serious matters addressed in his record that deserve the attention of the Senate and which, once having been reviewed by Members of the Senate, would lead Senators to the conclusion that, indeed, the Senate did the right thing.

Judge White's sole dissent in the Missouri v. Johnson, a brutal cop killer, an individual who killed three law enforcement officials over several hours, holding a small town in Missouri in a terrified condition, that opinion which sought to create new ground for allowing convicted killers who had the death

penalty ordered in their respect, allowing them new ground for new trials, and the like, is something that ought to trouble us. We do not need judges with a tremendous bent toward criminal activity or with a bent toward excusing or providing second chances or opportunities for those who have been accused in those situations.

Missouri v. Kinder is another case where he was the sole dissenter, a case of murder and assault, murder with a lead pipe, the defendant was seen leaving the scene of the crime with the lead pipe and DNA evidence confirming the presence of the defendant with the person murdered.

The judge in that case wrote a dissent saying that the case was contaminated by a racial bias of the trial judge because the trial judge had indicated that he opposed affirmative action and had switched parties based on that.

Another case, Missouri v. Damask, a drug checkpoint case. The sole dissent in the case was from Judge White who would have expanded substantially the rights of defendants to object to searches and seizures.

I believe that law enforcement officials had an appropriate, valid, reasonable concern. That concern was appropriately recognized and reflected in the vote of the Senate. Not only Missouri needs judges, but the entire country needs judges whose law enforcement experience is such that it sends a signal that they are reliable and will support appropriate law enforcement.

I am grateful to have had this opportunity. No time was expected for debate on this issue today, and as an individual who was involved in this matter, I am pleased to have had this opportunity. I thank the Senate. I thank the Senator from Arizona for helping make this time available to me.

I yield the floor.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 2264 TO AMENDMENT NO. 1892

(Purpose: To replace the slot provisions relating to Chicago O'Hare International Airport)

Mr. FITZGERALD. Mr. President, I rise on behalf of myself and my colleague from Illinois, Senator DURBIN, to propose an amendment to the amendment proposed by the Presiding Officer himself, Senator GORTON, and Senator ROCKEFELLER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for himself and Mr. DURBIN, proposes an amendment numbered 2264 to amendment No. 1892.

The amendment is as follows:

On page 5, beginning with ''apply—'' in line 15, strike through line 19 and insert ''apply after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.''.

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

''§ 41718. Special Rules for Chicago O'Hare International Airport

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STATE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(2) 3-year report.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike ''(B)'' and insert ''(A)''.

On page 19, line 13, strike ''(C)'' and insert ''(B)''.

On page 19, line 15, strike ''(D)'' and insert ''(C)''.

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor?

Mr. FITZGERALD. Yes, I will yield.

Mr. BYRD. I ask unanimous consent that following the Senator's statement, I be recognized to speak for not to exceed 15 minutes on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, this amendment would exempt O'Hare International Airport from any lifting of the high density rule. I understand this amendment has been accepted on both sides. I ask unanimous consent the amendment be agreed to.

I thank the Presiding Officer himself for his efforts to work with me, and also the distinguished Commerce Committee Chairman, Senator MCCAIN from Arizona, and the ranking Democratic member, Senator ROCKEFELLER. Of course, I thank the good auspices of our majority leader who helped work out this agreement. I appreciate the time and consideration of all on a very difficult matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 2264) was agreed to.

Mr. FITZGERALD. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

IN DEFENSE OF CHURCHES

Mr. BYRD. Mr. President, recent comments by a political figure have unfairly and, I think, unjustly castigated American churches and millions of American church-goers as ''. . . a sham and a crutch for weak-minded people who need strength in numbers. [meaning organized religion] tells people to go out and stick their noses in other people's business.'' Now these comments are being defended as the kind of outspoken honesty that people really seek in a politician. While I am totally in favor of greater candor from politicians, particularly in these days of poll-driven and consultant-drafted mealy-mouthed pap masquerading as ''vision,'' I am emphatically not in favor of rudeness. There is far too much rude and divisive talk in this Nation these days, and it only exacerbates the kind of climate that encourages acts of violence against anyone who is different or any organization that is not mainstream—or maybe even if it is mainstream, as churches are still mainstream, at least in my part of the world. We cannot and should not let this kind of meanness be excused in the name of honesty and candor.

I do not question anyone's right to voice his opinion, whether I agree with it or not, but I also do not believe it is necessary to demean or belittle or denigrate anyone in the process of voicing an opinion. I am pleased to see that I am not alone in my outrage, but that many people have expressed similar feelings. I hope that we can all learn a lesson from this episode.

All of us ask for guidance from those we trust whenever we are faced with difficult problems. We ask our parents, or our wives, we ask our husbands, or our friends. So what is wrong with seeking the advice of someone who has

seen more troubles and received more training in counseling than ourselves—someone who has a calling, a passion, for this role? Someone such as our pastor or priest or minister? Or what is wrong with asking the One who knows and shares all of our troubles—in asking the Creator for guidance and support? What is wrong with asking ourselves, ''What would Jesus do?'' There is nothing wrong with using the spiritual guidance provided to us from God and His Son, and tested over nearly 2,000 years of human experience. It is not weak-minded. It is not sheep-like to grow up within a framework of faith and to celebrate the rituals of the church. It does not mean that one has a weakness and needs organized religion to ''strengthen oneself.''

Churches across this Nation provide millions of strong people with spiritual, emotional, and physical support. People who are active in their church may literally count their blessings when disaster strikes them. Be it the sudden loss of a loved one, a fire, a flood, that person will find himself surrounded with caring friends and helping hands. Insurance may provide a sense of financial security, but no matter whose good hands your insurance may be in, an insurance company cannot hold your hand and offer a shoulder to lean on while your home is reduced to smoky ruins or washed downstream in a flood. A pastor, a priest, a minister, or friend from your church can do so, and will do so. And people in your church will offer you the clothes off of their backs, or a place to stay, or food to eat when you are hungry, or help in many other small ways that are a balm on a hurting soul. Instead of facing your loss alone, help arrives in battalions.

Churches have become, in many ways, the new centers of community in America. We live in ever-expanding suburbs. We spend long hours each day commuting to jobs miles from our homes. Our children ride buses to distant schools that may combine many neighborhoods or even many communities.

We may rarely see our neighbor, or may know the neighbor only to nod at as we back our cars out of our driveways. Air conditioning, television, and other amenities have taken the place of sitting on the front porch with a glass of lemonade. Now, if we are outside, we are likely on a deck in the back yard, hidden by a fence or a hedge from the prying eyes of our unseen neighbors. But in church on Sunday, one is encouraged to shake a neighbor's hand. One is asked to pray for neighbors who are sick or in distress. And one hears the word of God—a Name that is above all other names—and participates in the observance of the liturgy that binds all of us in a seamless lineage to the heritage of man.

Churches are not for the weak-minded, Mr. President. They are for the strong. They are for people who are not afraid to seek guidance, not afraid to show charity, not afraid to practice kindness. Tolerance for the beliefs of others is one of the cornerstones on which this Nation is founded, and we in public life would be well-advised to remember that.

Let me close these remarks, Mr. President, with a passage from George Washington's Farewell Address. Mr. President, George Washington, commander of the American forces at Valley Forge, was not a weak-minded man. George Washington, the first President of the United States—and the greatest President of all—was not a weak-minded man. Let's share what he had to say about religion. We might even class George Washington as a politician.

Here is what George Washington said. I suggest that all take note.

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

Let me digress briefly to suggest that all politicians, whether at the State or local or national level, take note of what George Washington said.

> The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had no intention to speak on this matter. It is purely coincidence—one might even suggest the hand of the Almighty—that caused me just a few minutes ago to read a column that appeared in the Boston Globe in this particular case, a column that picks up on the very theme the distinguished senior Senator from West Virginia has addressed this afternoon.

I will read the column into the CONGRESSIONAL RECORD. I have rarely ever done this, but I found this column so compelling. It corresponds very much to the eloquent words of our colleague from West Virginia and the compelling words of our first American President, George Washington.

First of all, we live in a wonderful country that allows people to express their views, whether they be public people or not. The Governor of Minnesota has expressed his views in a national publication that comes to the issue of organized religion. He certainly is entitled to his views, but I think for those of us who disagree with him and, in fact, as public persons, we bear responsibility to challenge those words when they are offensive to millions of Americans, be they Christians, Jews, Muslims, whether or not people who practice their religion in a church, a synagogue, or a mosque. There is every reason to believe that organized religion, if you will, has contributed significantly to the strength and well-being of the Nation.

This morning, in a column by E.J. Dionne called the Gospel of Jesse Ventura, he quotes the statements made by the Governor of Minnesota in which the Governor said:

> Organized religion is a sham and a crutch for weak-minded people who need strength in numbers. It tells people to go out and stick their noses in other people's business.

Now, Mr. President, the column:

> Well, Governor, I have to hand it to you. You've told us over and over that you say what's on your mind and, because of that, you're unlike the average politician. This statement definitely justifies all your self-congratulation.
>
> Because you're so honest and tough-minded, I figured you wouldn't mind answering a few questions about your comments. I ask them because none of your explanations after the interview helped me understand your meaning. Perhaps I'm thick-headed and you can bring me to your level of enlightenment.
>
> Martin Luther King Jr. was a pastor who led the Southern Christian Leadership Conference. He organized church people to fight for justice. Many who opposed him thought he was sticking his nose into other people's business. In his first major civil rights sermon at the Holt Street Baptist Church in Montgomery, Ala., he declared: ''If we are wrong, Jesus of Nazareth was merely a utopian dreamer and never came down to earth! If we are wrong, justice is a lie!''
>
> Please tell me, Governor, I want to know: Was Martin Luther King Jr. ''weak-minded'' for working through ''organized religion''? While you're at it, were all those civil rights activists, so many motivated by religious faith, ''weak-minded'' for risking their lives in the struggle?
>
> Rabbi Abraham Heschel was a brilliant theologian and wrote about the Hebrew prophets. He was moved by his sense of the prophetic to become a leading ally of King's battle for equality. Was he weak-minded?
>
> Dietrich Bonhoffer was a German theologian moved by his faith to oppose Hitler. He went to prison and was eventually killed. ''I have discovered,'' he wrote a few weeks before his execution, ''that only by living fully in the world can we learn to have faith.'' Was Dietrich Bonhoffer using his faith as a ''sham and a crutch?''
>
> The Polish workers of the Solidarity trade union movement, inspired by faith and helped immensely by their ''organized religion,'' faced down the Communist dictatorship in Poland. They risked jail and beatings and helped change the world. Was that weak-minded of them?
>
> What about those theologians who thought through religious questions and the meaning of life on behalf of all those churchy souls you say need crutches? Were Augustine and Aquinas weak-minded? Were Luther and Calvin? What about 20th-century prophets such as Reinhold Niebuhr and Martin Buber? They were towering intellects, I've always thought, but perhaps I'm blind and you can help me see.
>
> I respect and admire the courage you demonstrated in serving our country as a Navy SEAL. But just out of curiosity: Do you think the military chaplains you met were weak-minded?

Father Andrew Greeley, the sociologist, has found that ''relationships related to religion'' are clearly the major forces mobilizing volunteers in America. We're talking here about mentors for children, volunteers in homeless programs, those who give comfort at shelters for battered women. Are all these good volunteers just seeking strength in numbers?

While you were making money wrestling, Mother Teresa was devoting her life to the poor of Calcutta. Maybe you think she would have been better off in the ring with Disco Inferno.

I don't want to get too personal, but I truly want to know what you're trying to tell us. The nuns who taught me in grade school and the Benedictine monks who taught me in high school devoted the whole of their lives to helping young people learn. Was their dedication to others a sign of weakness? The parish I grew up in was full of parents—my own included—whose religious faith motivated them to build a strong community that nurtured us kids. I guess you're telling me those parents I respected were only seeking strength in numbers.

Somewhere around 100 million Americans attend religious services in any given week. Sociologists agree we are one of the most religiously observant countries in the world, especially compared to other wealthy nations. Are we a weak-minded country?

In explaining your comments afterward, you said: ''This is Playboy; they want you to be provocative.'' Does that mean you would have said something different to the editors of, say, Christianity Today?

And, Governor, one last question: Are you tough-minded enough to understand the meaning of the words: ''Your act is wearing thin?''

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

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

ART FROM THE HEART

Mr. WELLSTONE. Mr. President, I thought I would use this time, before we go forward in the Senate with some additional votes, to speak on two matters. I am actually waiting for a few visuals, or pictures, I want to show regarding what I am going to say.

First of all, let me thank a pretty amazing group of young people from my State of Minnesota for coming all the way here to Washington, DC. These are high school students, and they have brought, if you will, art that is from the heart. It is an art display that will be on exhibit in the rotunda of the Russell Senate Office Building.

This month of October is an awareness of domestic violence month. People in the country should understand, if they don't already, that about every 13 seconds, a woman is battered in her home—about every 13 seconds.

A home should be a safe place for women and children. What these students have done is—and I first saw their display at the Harriet Tubman Center back home in Minnesota—they have presented some art that, as I say, is really from the heart. This artwork, in the most powerful way, deals with the devastating impact of violence in homes, not only on women and adults but on children as well.

Quite often, we have debates out here on the floor of the Senate about the negative impact of television violence, or violence in movies, on children. The fact is that for too many children—maybe as many as 5 million children in our country—they don't need to turn on the TV or go to a movie to see the violence; they see the violence in their homes.

We will have this really marvelous display of art by these students from Minnesota, and it will be in the Russell rotunda on display this week. Tonight, for other Senators, at 6:30, there will be a reception for these students. They should be honored for their fine work.

Mr. President, I commend Mr. Dionne. His words speak eloquently to the emotions and feelings of many of us. Again, I respect the Governor of Minnesota in expressing his views, but we certainly have an obligation to express ours. E.J. Dionne has expressed them well with this Member of the Senate.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

DISSIDENTS DISAPPEARING IN BELARUS

Mr. WELLSTONE. Mr. President, the government of Belarus has systematically intimidated and punished members of opposition political groups for several years now. Ordinary citizens—some as young as fifteen—have been beaten, arrested, and charged with absurd criminal offenses all because they dared to speak out against the President of Belarus, Alex Lukashenko, and his crushing of basic human rights and civil liberties there.

Recently, however, events have grown worse. Four dissidents, closely watched by the government's omnipresent security police have vanished. The government says it has no clues as to why. Up until now, the President only beat and jailed his opponents. The President now appears to be behind a series of disappearances by key opposition figures since April, as reported in the New York Times. Last week, the State Department said that it was greatly concerned about the pattern of disappearances and urged the government of Belarus to find and protect those who had vanished. The disappearances coincide with the strongest campaign yet launched by Belarus's pro-democracy movement to press the government for reforms.

The first person to disappear was the former chairwoman of the Central Bank (Tamara Vinnikova). She publicly supported the former prime minister, an opposition candidate, and was being held on trumped up charges under house arrest with an armed guard at the time she vanished. That she was held under house arrest, guarded at all times by live-in KGB agents, her telephone calls and visitors strictly screened, strongly suggests that her disappearance was orchestrated by the authorities.

In May, Yuri Zakharenka, a former interior minister and an opposition activist, disappeared as he was walking home. He was last seen bundled into a car by a group of unidentified men. His wife said for two weeks prior to his abduction, he had complained of being tailed by two cars.

At the height of protests in July, another opposition leader, speaker of the illegally disbanded parliament, fled to Lithuania, saying that he feared for his life.

Then two weeks ago, Victor Gonchar, a leading political dissident, and his friend, a publisher, vanished on an evening outing, even though Mr. Gonchar was under constant surveillance by the security police. Gonchar's wife reportedly contacted city law enforcement agencies, local hospitals and morgues without result. The government maintains that it has no information on his whereabouts. Mr. Gonchar has been instrumental in selecting an opposition delegation to OSCE-mediated talks with the government, and was scheduled to meet with the U.S. ambassador to Belarus on September 20. Earlier this year, police violently assaulted and arrested him on charges of holding an illegal meeting in a private cafe, for which he served ten days in jail.

Before President Lukashenko came to office in 1994, one could see improvements in the human rights situation in Belarus. Independent newspapers emerged, and ordinary citizens started openly expressing their views and ideas, opened associations and began to organize. The parliament became a forum for debate among parties with differing political agendas. The judiciary also began to operate more independently.

After Mr. Lukashenko was elected president, he extended his term and replaced the elected Parliament with his own hand-picked legislators in a referendum in 1996, universally condemned as rigged. Since then, he has held fast to his goal of strengthening his dictatorship. He has ruthlessly sought to control and subordinate most aspects of public life, both in government and in society, cracking down on the media, political parties and grass roots movements. Under the new constitution, he overwhelming dominates other branches of government, including the parliament and judiciary.

The first president of democratic Belarus, Stanislav Shushkevich, and now in the opposition, said recently that the government is resorting to state terrorism by abducting and silencing dissidents. He said, ''the regime has gone along the path of eliminating the leaders against whom it can't open even an artificial case. This is done with the goal of strengthening the dictatorship.''

I am deeply concerned that comments by senior government officials

this past week which betray official indifference to those disappearances.

I urge President Lukashenko to use all available means at his disposal to locate the four missing—and to ensure the safety and security of all living in Belarus, regardless of their political views. What is happening in Belarus now is an outrage. The world is watching what President Lukashenko does to address it.

Mr. President, I want the Government of Belarus to know that their blatant violation of the human rights of citizens is unacceptable. The report several days ago of four prominent men and women who have had the courage to stand up against this very repressive Government of Belarus raises very serious questions. As a Senator, I want to speak from the floor and condemn that Government's repressive actions. I want to make it clear to the Government of Belarus that these actions, the repression and violation of citizens' rights in Belarus, is unacceptable, I think, to every single Senator.

I think many of us in the human rights community are very worried about whether or not they are still alive. I would not want the Government of Belarus to think they can engage in this kind of repressive activity with impunity. That is why I speak about this on the floor of the Senate.

ECONOMIC CONVULSION IN AGRICULTURE

Mr. WELLSTONE. Mr. President, let me, one more time, return to a question I have put to the majority leader, and then I say to my colleague from Arizona I will complete my remarks.

In the last 3 weeks now, I have asked for the opportunity to introduce legislation—amendments—which would speak directly to what can only be described as an economic convulsion in agriculture, the unbelievable economic pain in the countryside, and the number of farmers who are literally being obliterated and driven off the land.

Up to date, I have not been able to get any kind of clear commitment from the majority leader as to when we will have the opportunity for all of us in the Senate to have a substantive debate about this and take action. For those of us in agricultural States, this is very important. I want to signal to colleagues that I will look for an opportunity, and the first opportunity I get, I will try to do everything I can to focus our attention on what can only be described as a depression in agriculture. I will try to focus the attention of people in the Senate, Democrats and Republicans alike, on the transition that is now taking place in agriculture, which I think, if it runs its full course, we will deeply regret as a Nation.

Mr. President, I yield the floor.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, we are nearing the end as far as amendments are concerned. We will be ready within about 20 minutes to a half hour to complete an amendment by Senator DORGAN. We are in the process of working on it. We have several amendments by Senator HATCH that we are trying to get so we can work those out. We have no report yet from Senator HUTCHISON on whether or not she wants an amendment. So if Senator HUTCHISON, or her staff, is watching, we would like to get that resolved. There is a modification of an amendment by Senator BAUCUS.

Other than that, we will be prepared to move to the previous unanimous consent agreement concerning debate on the Robb amendment and vote on that, followed by final passage. I believe we are nearing that point. So as we work out the final agreements on these amendments, I hope that within 10 or 15 minutes we will be able to complete action on that and be prepared to move to the Robb amendment debate and then final passage.

Mr. President, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

AMENDMENT NO. 1898, AS MODIFIED

Mr. MCCAIN. Mr. President, on behalf of Senator BAUCUS, I send a modification to the desk and ask that it be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification will be accepted.

The amendment (No. 1898), as modified, is as follows:

At the appropriate place, insert the following:

( ) AIRLINE QUALITY SERVICE REPORTS.—The Secretary of Transportation shall modify the Airline Service Quality Performance reports required under part 234 of title 14, Code of Federal Regulations, to more fully disclose to the public the nature and source of delays and cancellations experienced by air travelers. Such modifications shall include a requirement that air carriers report delays and cancellations in categories which reflect the reasons for such delays and cancellations. Such categories and reporting shall be determined by the Administrator in consultation with representatives of airline passengers, air carriers, and airport operators, and shall include delays and cancellations caused by air traffic control.

AMENDMENT NO. 1927

(Purpose: To amend title 18, United States Code, with respect to the prevention of frauds involving aircraft or space vehicle parts in interstate or foreign commerce.)

Mr. McCAIN. Mr. President, on behalf of Senator HATCH and others, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. HATCH, Mr. LEAHY, and Mr. THURMOND, proposes an amendment numbered 1927.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, today I am proud to offer the Aircraft Safety Act of 1999 as an amendment to S. 82, the Air Transportation Improvement Act. I join with Senator LEAHY and Senator THURMOND in proposing this amendment, which will provide law enforcement with a potent weapon in the fight to protect the safety of the traveling public. This is one piece of legislation which could truly help save hundreds of lives.

Current federal law does not specifically address the growing problem of the use of unapproved, uncertified, fraudulent, defective or otherwise unsafe aviation parts in civil, military and public aircraft. Those who traffic in this potentially lethal trade have thus far been prosecuted under a patchwork of Federal criminal statutes which are not adequate to deter the conduct involved. Most subjects prosecuted to date have received little of no jail time, and relatively minor fines have been assessed. Moreover, law enforcement has not had the tools to prevent these individuals from reentering the trade or to seize and destroy stockpiles of unsafe parts.

While the U.S. airline industry can take pride in the safety record they have achieved thus far, trade in fraudulent and defective aviation parts is a growing problem which could jeopardize that record. These suspect parts are not only readily available throughout the country, they are being installed on aircraft as we speak. This problem will continue to grow as our fleet of commercial and military aircraft continues to age. Safe replacement parts are vital to the safety of this fleet. When you consider that one Boeing 747 has about 6 million parts, you begin to understand the potential for harm caused by the distribution of fraudulent and defective parts.

Where do these parts come from? Some are used or scrap parts which should be destroyed, or have not been properly repaired. Others are simply counterfeit parts using substandard materials unable to withstand the rigors imposed through daily use on a modern aircraft. Some are actually scavenged from among the wreckage and broken bodies strewn about after an airplane crash. For example, when American Airlines Flight 965 crashed into a mountain in Columbia in 1995, it wasn't long before some of the parts from that aircraft wound up back in

the United States and resold as new by an unscrupulous Miami dealer who had obtained them through the black market.

While the danger to passengers and civilians on the ground is substantial, this danger also jeopardizes the courageous men and women of our armed forces. The Army is increasingly buying commercial off-the-shelf aircraft and parts for their growing small jet and piston-engine passenger and cargo fleets. The Department of Defense will buy 196 such aircraft by 2005 and virtually every major commercial passenger aircraft is in the Air Force fleet, although the military designation is different. In addition, there are dozens of specially configured commercial aircraft that have frame modifications to serve special missions, such as reconnaissance and special operations forces. The safety of all of these vehicles is dependent on the quality of the parts used to repair them and keep them flying.

The amendment we have proposed will criminalize: (1.) The knowing falsification or concealment of a material fact relating to the aviation quality of a part; (2.) The knowing making of a fraudulent misrepresentation concerning the aviation quality of a part; (3.) the export, import, sale, trade or installation of any part where such transaction was accomplished by means of a fraudulent certification or other representation concerning the aviation quality of a part; (4.) An attempt or conspiracy to do the same.

The penalty for a violation will be up to 15 years in prison and a fine of up to $250,000, however, if that part is actually installed, the violator will face up to 25 years and a fine of $500,000. And if the part fails to operate as represented and serious bodily injury or death results, the violator can face up to life in prison and a $1,000,000 fine. Organizations committing a violation will be subject to fines of up to $25,000,000.

In addition to the enhanced criminal penalties created, the Department of Justice may also seek reasonable restraining orders pending the disposition of actions brought under the section, and may also seek to remove convicted persons from engaging in the business in the future and force the destruction of suspect parts. Criminal forfeiture of proceeds and facilitating property may also be sought. The Attorney General is also given the authority to issue subpoenas for the purpose of facilitating investigations into the trafficking of suspect parts, and wiretaps may be obtained where appropriate.

This amendment is supported by Attorney General Reno, Secretary Slater, Secretary Cohen and NASA Administrator Goldin, and OMB has indicated that this amendment is in accord with the President's program. I ask my fellow Senators to join with Senators LEAHY, THURMOND and me in supporting this important piece of legislation.

I ask unanimous consent that relevant material, including a copy of the amendment be printed in the RECORD.

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

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 legislative 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 of nonconforming parts. During that same period, the Federal Aviation Administration (FAA) received 1,778 reports of 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 legislative proposal, and that its enactment would be in accord with the program of the President.

Sincerely,

JANET RENO,
Attorney General.
RODNEY E. SLATER,
Secretary of Transportation.
WILLIAM S. COHEN,
Secretary of Defense.
DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration.

Enclosures.

PROPOSED LEGISLATION

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

SECTION 1.

This Act may be cited as the ''Aircraft Safety Act of 1999.''

SEC. 2. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACEVEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) Chapter 2 of title 18, United States Code, is amended—

(1) by adding at the end of section 31 the following:

''`Aviation quality' means, with respect to aircraft or spacevehicle parts, that the item has been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law, regulation, or contract.

''`Aircraft' means any civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''`Part' means frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''`Spacevehicle' means a man-made device, either manned or unmanned, designed for operation beyond the earth's atmosphere.

''`State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) Chapter 2 of title 18, United States Code, is amended by adding at the end the following—

''§ 38. Fraud involving aircraft or spacevehicle parts in interstate or foreign commerce

''(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly—

''(1) falsifies or conceals a material fact; makes any materially fraudulent representation; or makes or uses any materially false writing, entry, certification, document, record, data plate, label or electronic communication, concerning any aircraft or spacevehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or spacevehicle any aircraft or spacevehicle part using or by means of fraudulent representations, documents, records, certifications, depictions, data plates, labels or electronic communications; or

''(3) attempts or conspires to commit any offense described in paragraph (1) or (2), shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) If the offense relates to the aviation quality of the part and the part is installed in an aircraft or spacevehicle, a fine of not more than $500,000 or imprisonment for not more than 25 years, or both;

''(2) If, by reason of its failure to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000 or imprisonment for any term of years or life, or both;

''(3) If the offense is committed by an organization, a fine of not more than $25,000,000; and

''(4) In any other case, a fine under this title or imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—(1) The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person convicted of an offense under this section to divest himself of any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks; imposing reasonable restrictions on the future activities or investments of any such person, including, but not limited to, prohibiting engagement in the same type of endeavor as used to perpetrate the offense, or ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) The Attorney General may institute proceedings under this subsection. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

''(3) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—(1) The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person shall forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds such person obtained, directly or indirectly, as a result of such offense; and

''(B) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such offense.

''(2) The forfeiture of property under this section, including any seizure and disposition thereof, and any proceedings relating thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §853), except for subsection (d) of that section.

''(e) CONSTRUCTION WITH OTHER LAWS.—This Act shall not be construed to preempt or displace any other remedies, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction of aircraft or spacevehicle parts into commerce.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring within the United States or conduct occurring outside the United States if—

''(1) The offender is a United States person; or

''(2) The offense involves parts intended for use in U.S. registry aircraft or spacevehicles; or

''(3) The offense involves either parts, or aircraft or spacevehicles in which such parts are intended to be used, which are of U.S. origin.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—(A) In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control; and

''(ii) requiring a custodian of records to give testimony concerning the production and authentication of such records.

''(B) A subpoena under this subsection shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

''(C) The production of records shall not be required under this section at any place more than 500 miles distant from the place where the subpoena for the production of such records is served.

''(D) Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

''(2) SERVICE.—A subpoena issued under this section may be served by any person who is at least 18 years of age and is designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(3) ENFORCEMENT.—In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony concerning the production and authentication of such records. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

''(4) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a summons under this section, who complies in good faith with the summons and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft of space vehicle parts in interstate of foreign commerce.''.

SEC. 3. CONFORMING AMENDMENT.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

SECTION-BY-SECTION ANALYSIS

SECTION 1.

This section states the short title of the legislation, the ''Aircraft Safety Act of 1999.''

SECTION 2. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACEVEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

This section, whose primary purpose is to safeguard U.S. aircraft and spacecraft, and passengers and crewmembers from the dangers posed by installation of nonconforming, defective, or counterfeit frames, assemblies, components, appliances, engines, propellers, materials, parts or spare parts into or onto civil, public, and military aircraft. Thus, even though the section is cast as an amendment to the criminal law, it is a public safety measure.

The problems associated with nonconforming, defective, and counterfeit aircraft parts have been explored and discussed in a number of fora for several years. For example, in 1995, the Honorable Bill Cohen, then Chairman of the Senate Subcommittee on Oversight of Government Management and the District of Columbia (now Secretary of Defense), said: ''Airplane parts that are counterfeit, falsely documented or manufactured without quality controls are posing an increased risk to the flying public, and the federal government is not doing enough to ensure safety.'' Similarly, Senator Carl Levin, in a 1995 statement before the same Subcommittee, said: ''A domestic passenger airplane can contain as many as 6 million parts. Each year, about 26 million parts are used to maintain aircraft. Industry has estimated that as much as $2 billion in unapproved parts are now sitting on the shelves of parts distributors, airlines, and repair stations.''

Notwithstanding increased enforcement efforts, the magnitude of the problem is increasing: according to the June 10, 1996, edition of Business Week magazine, ''Numerous FAA inspectors . . . say the problem of substandard parts has grown dramatically in the past five years. That's partly because the nation's aging airline fleet needs more repairs and more parts to keep flying—increasing the opportunities for bad parts to sneak in. And cash-strapped startups outsource much of their maintenance, making it harder for them to keep tabs on the work.'' According to Senator Levin's 1995 statement, ''over the past five years, the Department of Transportation Inspector General and the Federal Bureau of Investigation have obtained 136 indictments, 98 convictions, about $50 million in criminal fines, restitutions and recoveries in cases involving unapproved aircraft parts. . . . The bad news is that additional investigations are underway with no sign of a flagging market in unapproved parts.''

Yet, no single Federal law targets the problem in a systemic, organized manner. Prosecutors currently use a variety of statutes to bring offenders to justice. These statutes include mail fraud, wire fraud, false statements and conspiracy, among others. While these prosecutorial tools work well enough in many situations, none of them focus directly on the dangers posed by nonconforming, defective, and counterfeit aircraft parts. Offenders benefit from this lack of focus, often in the form of light sentences. One incident reveals the inherent shortcomings of such an approach.

''In 1991, a mechanic at United [Airlines] noticed something odd about what were supposed to be six Pratt & Whitney bearing-seal spacers used in P&W's jet engines—engines installed on Boeing 727s and 737s and McDonnell-Douglas DC–9s world-wide. The spacers proved to be counterfeit, and P&W determined that they would have disintegrated within 600 hours of use, compared with a 20,000-hour service life of the real part. A spacer failure in flight could cause the total failure of an engine. Investigators traced the

counterfeits to a broker who allegedly used unsuspecting small toolmakers and printers to fake the parts, as well as phony Pratt & Whitney boxes and labels. The broker . . . pled guilty to trafficking in counterfeit goods and received a seven-month sentence in 1994.'' (June 10, 1996, Edition of Business Week Magazine.)

Given the potential threat to public safety, a focused, comprehensive law is needed to attack this problem.

Prevention of Frauds Involving Aircraft or Spacecraft Parts in Interstate or Foreign Commerce remedies the problems noted above by amending Chapter Two of Title 18, United States Code. Chapter Two deals with ''Aircraft and Motor Vehicles,'' and currently contains provisions dealing with the destruction of aircraft or aircraft facilities, and violence at international airports but says nothing about fraudulent trafficking in nonconforming, defective, or counterfeit aircraft parts.

Subsection (a) builds on the existing framework of Chapter Two by adding some relevant definitions to Section 31. The subsection defines ''aviation quality,'' when used with respect to aircraft or aircraft parts, to mean aircraft or parts that have been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards, specified by law, regulation, or contract. The term is used in Section 38(b) of the Act, which sets forth the maximum penalties for violation of the offenses prescribed by Section 38(a). If the misrepresentation or fraud that leads to a conviction under Section 38(a) concerns the ''aviation quality'' of an aircraft part, then Section 38(b)(2) enhances the maximum punishment by 10 years imprisonment and doubles the potential fine.

This subsection also defines ''aircraft.'' This definition essentially repeats the definition of aircraft already provided in Section 40102 of Title 49.

''Part'' is defined to mean virtually all aircraft components and equipment.

''Spacevehicle'' is defined to mean any man-made device, manned or unmanned, designed for operation beyond the earth's atmosphere and would include rockets, missiles, satellites, and the like.

Subsection (b) adds a totally new Section 38 to Chapter Two of Title 18. Subsection 38(a)(1)–(3) sets out three new offenses designed to outlaw the fraudulent exportation, importation, sale, trade, installation, or introduction of nonconforming, defective, or counterfeit aircraft or aircraft parts into interstate or foreign commerce. This is accomplished by making it a crime to falsify or conceal any material fact, to make any materially fraudulent representation, or to use any materially false documentation or electronic communication concerning any aircraft or spacecraft part, or to attempt to do so.

The three provisions, overlap to some extent but each focuses upon a different aspect of the problem to provide investigators and prosecutors with necessary flexibility. All are specific intent crimes; that is, all require the accused to act with knowledge, or reason to know, of his fraudulent activity.

Proposed subsection (b) prescribes the maximum penalties that attach to the offenses created in Subsection (a). A three-pronged approach is taken in order to both demonstrate the gravity of the offenses and provide prosecutors and judges alike with flexibility in punishing the conduct at issue. A basic 15-year imprisonment and $250,000 fine maximum punishment is set for all offenses created by the new section; however, the maximum punishment may be escalated if the prosecution can prove additional aggravating circumstances. If the fraud that is the subject of a conviction concerns the aviation quality of the part at issue and the part is actually installed in an aircraft or spacevehicle, then the maximum punishment increases to 25 years imprisonment and a $500,000 fine. If, however, the prosecution is able to show that the part at issue was the probable cause of a malfunction or failure leading to an emergency landing or mishap that results in the death or injury of any person, then the maximum punishment is increased to life imprisonment and a $1 million fine. Finally, if a person other than an individual is convicted, the maximum fine is increased to $25 million.

New subsection (c) authorizes the Attorney General to seek appropriate civil remedies, such as injunctions, to prevent and restrain violations of the Act. Part of the difficulty in stopping the flow of nonconforming, defective, and counterfeit parts into interstate or foreign commerce is the ease with which unscrupulous individuals and firms enter and re-enter the business; ''Moreover, even when they are caught and punished, these criminals can conceivably go back to selling aircraft parts when their sentences are up.'' (*See*, 1995 Statement of Senator Joe Lieberman before the Senate Subcommittee on Oversight of Government Management and the District of Columbia.) In addition to providing a way to maintain the status quo and to keep suspected defective or counterfeit parts out of the mainstream of commerce during an investigation, this provision adds important post-conviction enforcement tools to prosecutors. The ability to bring such actions may be especially telling in dealing with repeat offenders since a court may, in addition to imposing traditional criminal penalties, order individuals to divest themselves of interests in businesses used to perpetuate related offenses or to refrain from entering the same type of business endeavor in the future. Courts may also direct the disposal of stockpiles and inventories of parties not shown to be genuine or conforming to specifications to prevent their subsequent resale or entry into commerce. It is envisioned that the prosecution would seek such relief only when necessary to ensure aviation safety.

Proposed subsection (d) provides for criminal forfeiture proceedings in cases arising under new section 38 of Title 18.

Proposed subsection (e) discusses how the Act is to be construed with other laws relating to the subject of fraudulent importation, sale, trade, installation, or introduction of aircraft or aircraft parts. The section makes clear that other remedies, whether civil or criminal, are not preempted by the Act and may continue to be enforced. In particular, the Act is not intended to alter the jurisdiction of the U.S. Customs Service, which is generally responsible for enforcing the laws governing importation of goods into the United States.

Proposed subsection (f) deals with the territorial scope of the Act. To rebut the general presumption against the extraterritorial effect of U.S. criminal laws, this section provides that the Act will apply to conduct occurring both in the United States and beyond U.S. borders. Clearly the U.S. will apply the law to conduct occurring outside U.S. territory only when there is an important U.S. interest at stake. If, however, an offender affects the safety of U.S. aircraft, spacevehicles, or is a U.S. person, this section would provide for subject matter jurisdiction even if the offense is committed overseas.

Subsection (g) of new section 38 authorizes administrative subpoenas to be issued in furtherance of the investigation of offenses under this section. Under this provision, the Attorney General or designee may issue written subpoenas requiring the production of records relevant to an authorized law enforcement inquiry pertaining to offenses under the new section. Testimony concerning the production and authentication of such records may also be compelled. The subsection also sets forth guidance concerning the service and enforcement of such subpoenas and provides civil immunity to any person who, in good faith, complies with a subpoena issued pursuant to the Section.

The subsection is modeled closely on an analogous provision found in Section 3486(a)(1) of Title 18, pertaining to health care fraud investigations. Like the health care industry, the aviation industry—including the aviation-parts component of the industry—is highly regulated since the public has an abiding interest in the safe and efficient operation of all components of the industry. The public also has concomitant interest in access to the records and related information pertaining to the industry since, often, the only evidence of possible violations of law may be the records of this regulated industry. Thus, companies and individuals doing business in this industry are in the public limelight by choice and have reduced or diminished expectations of privacy in their affairs relating to how that business is conducted. In such situations, strict probable cause requirements regarding the production of records, documents, testimony, and related materials make enforcement impossible. This provision recognizes this but also imposes some procedural rigor and related safeguards so that the administrative subpoena power is not abused in this context. The provisions rquires the information sought to be relevant to the investigation, reasonably specific, and not unreasonably burdensome to meet.

SECTION 3. CONFORMING AMENDMENT.

This section would add the new offenses created by the Act to the list of predicate offenses for which oral, wire, and electronic communications may be authorized.

Mr. MCCAIN. Mr. President, the amendment has been agreed to by both sides. There is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1927) was agreed to.

AMENDMENT NO. 2240

(Purpose: To preserve essential air services at dominated hub airports)

Mr. MCCAIN. Mr. President, on behalf of Senator DORGAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DORGAN, proposes an amendment numbered 2240.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. PRESERVATION OF ESSENTIAL AIR SERVICE AT DOMINATED HUB AIRPORTS.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

''§ 41743. Preservation of basic essential air service at dominated hub airports

''(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable

and competitive performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, then the Secretary may require the air carrier that has more than 50 percent of the total annual enplanements at that essential airport facility to take action to enable an air carrier to provide reliable and competitive essential air service to that community. Action required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service to facility necessary for the performance of satisfactory essential air service to that community.

''(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 states at which 1 air carrier has more than 50 percent of the total annual enplanements at that airport.''.

Mr. MCCAIN. Mr. President, I thank Senator DORGAN for this amendment. Senator DORGAN has been, for at least 10 years I know, deeply concerned about this whole issue of essential air service. Although essential air service has increased funding, still we are not having medium-sized and small markets being served as they deserve.

I thank Senator DORGAN for the amendment.

It has been agreed to by both sides. I don't believe there is any further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2240) was agreed to.

The PRESIDING OFFICER. Without objection, the modified Baucus amendment is agreed to.

The amendment (No. 1898), as modified, was agreed to.

Mr. MCCAIN. Thank you, Mr. President. All we have now remaining is the managers' amendment, which will be arriving shortly. Then I will have a request on behalf of the leader for FAA passage, and the parliamentary procedures for doing so.

Mr. DOMENICI. Mr. President, I wonder if I might use a few moments while the manager is waiting to give general observations. I am totally in favor of the bill. I just want to talk generally about the Airport and Airways Trust Fund.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

Over the last several years, there has been a lot of talk and support on the House side for the idea of changing the budgetary status of the Airport and Airways Trust Fund. In fact, the House's FAA Reauthorization bill, the so-called AIR–21, would take the Airport and Airways Trust Fund off-budget. Some say the House's real intent is to create a new budgetary firewall for aviation, similar to those created for the highway and mass transit trust funds under the Transportation Equity Act for the 21st Century (TEA–21).

I've been hearing distant, low rumbles from a minority of my colleagues on this side of the Capitol. They, too, would like an off-budget status or firewall for the Aviation Trust Fund.

Let me reiterate my response to these proposals—These proposals are dangerous and fiscally irresponsible. They undermine the struggle to control spending, reduce taxes, and balance the budget.

Taking the Aviation Trust Fund off-budget would allow FAA spending to be exempt from all congressional budget control mechanisms. It would provide aviation with a level of protection now provided only to Social Security. Important spending control mechanisms such as budget caps, pay-as-you-go rules, and annual congressional oversight and review would no longer apply.

A firewall scenario has very similar problems. A firewall would prevent the Appropriations Committee from reducing trust fund spending, even if the FAA was not ready to spend the money in a given year. If the Appropriations Committee wanted to increase FAA spending above the firewall, it would have to come from the discretionary spending cap, a very difficult choice given the tight discretionary caps through 2002.

These proposals would also create problems in FAA management and oversight. Both an off-budget or firewall status would reduce management and oversight of the FAA by taking trust fund spending out of the budget process. Placing the FAA and the trust fund on autopilot by locking-up funding would result in fewer opportunities to review and effect needed reforms. This is very dangerous. There would be little leverage to induce the FAA to strive for higher standards of performance. Now is the time for more management and oversight by both the Authorizing and Appropriations committee, not less.

The Budget Enforcement Act and other budget laws were created to keep runaway spending in check. I oppose, as we all should, budgetary changes that would make it more difficult to control spending, weaken congressional oversight, create a misleading federal budget, and violate the spirit of the law.

Some of my colleagues object to the building of money in the Aviation Trust Fund. They contend that all of the revenues should be spent on airport improvements. They say that all of the aviation related user taxes should be dedicated to aviation, and should not be used for other spending programs, deficit reduction, or tax cuts.

On the contrary, total FAA expenditures have far exceeded the resources flowing into the trust fund. Since the trust fund was created in 1971 to 1998, total expenditures have exceeded total tax revenues by more than $6 billion.

This is because the Aviation Trust Fund resources have been supplemented with General Revenues. The purpose of the General Fund contribution is that the federal government should reimburse the FAA for the direct costs of public-sector use of the air traffic control system. The FAA estimated in 1997 that the public-sector costs incurred on the air traffic control system is 7.5 percent.

In 1999, a total of 15 percent of federal aviation funding came from the General Fund. Since the creation of the Aviation Trust Fund, the General Fund subsidy for the FAA is 38 percent of all spending. This far exceeds the 7.5 percent public-sector costs that FAA estimated. Therefore, over the life of the trust fund, the public sector has subsidized the cost of the private-sector users of the FAA by $46 billion.

Let this Congress not make the fiscally irresponsible decision to insulate aviation spending from any fiscal restraint imposed by future budget resolutions; to make aviation spending off-limits to Congressional Appropriations Committees. Let us not grant aviation a special budgetary privilege, and make it more difficult for future Congresses and Administrations to enact major reforms in airport and air traffic control funding and operations.

Taking the Aviation Trust Funds off-budget or creating a firewall—these proposals are not fit to fly!

I yield the floor. I thank the chairman for yielding.

Mr. MCCAIN. Mr. President, I thank the Senator from New Mexico.

AMENDMENT NO. 2265

(Purpose: To make available funds for Georgia's regional airport enhancement program)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator COVERDELL.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COVERDELL, proposes an amendment numbered 2265.

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

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

The amendment is as follows:

At the appropriate place in the Manager's substitute amendment, insert the following:

SEC. . AVAILABILITY OF FUNDS FOR GEORGIA'S REGIONAL AIRPORT ENHANCEMENT PROGRAM.

Of the amounts made available to the Secretary of Transportation for the fiscal year 2000 under section 48103 of title 49, United States Code, funds may be available for Georgia's regional airport enhancement program for the acquisition of land.

Mr. MCCAIN. Mr. President, there is no further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2265) was agreed to.

Mr. MCCAIN. Mr. President, I know of no further amendments to be offered to S. 82 other than the managers' package.

I ask unanimous consent that the Senate proceed to the debate and vote

in relation to the Robb amendment. I further ask unanimous consent that following the vote in relation to the Robb amendment, the managers' amendment be in order, and following its adoption, the bill be advanced to third reading.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I wonder whether I could ask my colleague, how long will the debate be on the Robb amendment?

Mr. MCCAIN. According to the previous unanimous consent amendment, there was 5 minutes for Senators BRYAN, WARNER, ROBB, and 5 minutes for me. I don't intend to use my 5 minutes because I know that the Senator from Nevada can far more eloquently state the case.

Mr. WELLSTONE. I shall not object.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on passage of the House bill.

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

Mr. MCCAIN. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, therefore, two back-to-back votes will occur within a short period of time, the last in the series being final passage of the FAA bill.

I thank all Senators for their cooperation.

Before I move on to the debate on the part of Senator BRYAN, Senator ROBB, Senator WARNER, and myself, I will ask that the Chair appoint Republican conferees on this side of the aisle as follows: Senators MCCAIN, STEVENS, BURNS, GORTON, and LOTT; and from the Budget Committee, Senators DOMENICI, GRASSLEY, and NICKLES.

I hope the other side will be able to appoint conferees very shortly as well so that we can move forward to a conference on the bill. I understand the Democratic leader has not decided on the conferees. But we have decided ours.

I see the Senator from Nevada.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

AMENDMENT NO. 2259

Mr. BRYAN. Mr. President, I would like to accommodate the distinguished Senator from Arizona, the chairman. The Senator from Nevada would like to use 2 minutes of his time at this point and reserve the remainder.

I rise in opposition to the amendment offered by our distinguished colleague from Virginia. I do so because the effect of his amendment would leave us with the perimeter rule unchanged.

Very briefly, the perimeter rule is a rule enacted by statute by the Congress of the United States which prohibits flights originating from Washington National to travel more than 1,250 miles and prohibits any flights originating more than 1,250 miles from Washington National from landing here.

The General Accounting Office has looked at this and has found that it is anticompetitive. It tends to discriminate against new entrants into the marketplace, and it cannot be justified by any rational standard.

As is so often the case, a page of history is more instructive than a volume of logic. The history of this dates back to 1986 when there was difficulty in getting long-haul carriers to move to Washington Dulles. At that point in time, the perimeter rule, which was then something like 750 miles, was put into effect to force air service for long-haul carriers out of Dulles. As we all know, that is no longer the case. Dulles has gone to a multibillion-dollar expansion and the original basis for the rule no longer exists.

The effect, unfortunately, of the amendment offered by the distinguished Senator from Virginia is to leave that perimeter rule in place unchanged. The Senator from Arizona has recommended a compromise. He and I would prefer to abolish the rule in its entirety. Yielding to the reality of the circumstances, he has provided a compromise to provide for 24 additional slots: 12 to be made available for carriers that would serve outside of the perimeter; that is, beyond the 1,250 miles, and 12 within the 1,250 miles.

This is a very important piece of legislation, and I urge my colleagues to defeat it on the basis that it is anticompetitive, unnecessary, and no longer serves any useful purpose.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, in light of the fact that Senator WARNER just arrived and Senator ROBB has not arrived, I ask unanimous consent that we stand in a quorum call for approximately 5 minutes, and that will give Senator WARNER time to collect his thoughts. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. I yield 3 minutes of my time to the Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, each Member of the Senate will vote on the Robb amendment as they see fit. I want to simply make a philosophical statement, which I made earlier but will make it again.

The fact that passengers, planes, parcels, international flight activities, planes in the air, and planes on the ground are either going to be doubling, tripling, or quadrupling over the next 10 years is obviously not now in effect but has everything to do with the future of what it is that our airports are willing to accept and what it is that those who live around our airports are willing to accept.

To stop aviation growth, to stop aviation traffic, passengers, packages, new airlines, and new international flight activity is to try to stop the Internet. It is something you might wish for, but it is not going to happen. In fact, it is not something we wish for because it is good economic activity. Ten million people work for the airline aviation industry, and many of those people work in and around the airports where those airplanes land and take off.

My only point is, we cannot expect to have progress in this country without there being a certain inconvenience that goes along with it. We have become accustomed to having our cake and eating it, too, and that is having our airports but then having a relatively small number of flights landing or a slotted number, in the case of four of our major airports, landing, but then the thought of others landing becomes very difficult.

Atlanta, Newark, and many other large airports do not have any slots at all. The people who live around them survive. They hear the noise. They do not like it. The noise mitigation is getting much better as technology improves, and the safety technology, if the Congress will give the money, will get even better than it is. It is virtually a perfect record.

I simply make the observation that slots are a difficult subject. They are very controversial because people prefer quietness to noise. But in a world that grows more complex in commerce, in which the standard of living is increasing enormously, one cannot have the convenience of travel, the convenience of packages, the convenience of letters, the convenience of getting around internationally, and the convenience of many new airplanes and expect to have everything the way it was 30 years ago hold until this day.

I thank the Presiding Officer and the chairman of the committee and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I ask unanimous consent that the time be counted against my time under a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I just attended a ceremony at the Department of Defense, at which time the President signed the authorization bill for the Armed Forces of the United States for the year 2000. I was necessarily delayed in returning to the floor. My colleague, Senator ROBB, accompanied me, and he will be here momentarily. We worked together on this amendment, as we worked together on this project from the inception, a project basically to try to get National Airport and Dulles Airport into full operation.

Our aim all along has been to let modernization go forward and, to the extent we can gain support in this Chamber, limit any increase in the number of flights. We do this because of our concerns regarding safety, congestion, and other factors. I say ''other factors'' because at the time the original legislation was passed whereby we defederalized these airports and allowed a measure of control by other than Federal authorities, giving the State of Virginia, the State of Maryland, and the District of Columbia a voice in these matters, it was clear that Congress should not micromanage these two airports.

We went through a succession of events to achieve this objective, and we are here today hopefully to finalize this legislation—and I have already put in an amendment to allow the modernization to go forward—and to do certain other things in connection with the board, to let the board be appointed.

Now we come to the question of the increased flights, and I support the amendment by my distinguished colleague.

I want to cover some history.

My remarks today will focus on the unwise provisions included in this bill which tear apart the perimeter and high density rules at Reagan National Airport. These rules have been in effect—either in regulation or in statute—for nearly 30 years. Since 1986, these rules have been a critical ingredient in providing for significant capital investments and a balance in service among this region's three airports—Dulles International, Reagan National, and Baltimore-Washington International.

First and foremost, I believe these existing rules have greatly benefitted the traveling public—the consumer.

Mr. President, to gain a full understanding of the severe impact these increased slot changes will have on our regional airports, one must examine the recent history of these three airports.

Prior to 1986, Dulles and Reagan National were federally owned and managed by the FAA. The level of service provided at these airports was deplorable. At National, consumers were routinely subject to traffic gridlock, insufficient parking, and routine flight cancellations and delays. Dulles was an isolated, underutilized airport.

For years, the debate raged within the FAA and the surrounding communities about the future of Reagan National. Should it be improved, expanded or closed? This ongoing uncertainty produced a situation where no investments were made in National and Dulles and service continued to deteriorate.

A national commission, now known as the Holton Commission, was created in 1984. It was led by former Virginia Governor Linwood Holton and former Secretary of Transportation Elizabeth Dole and charged with resolving the longstanding controversies which plagued both airports. The result was a recommendation to transfer federal ownership of the airports to a regional authority so that sorely needed capital investments to improve safety and service could be made.

I was pleased to have participated in the development of the 1986 legislation to transfer operations of these airports to a regional authority. It was a fair compromise of the many issues which had stalled any improvements at both airports over the years.

The regulatory high density rule was placed in the statute so that neither the FAA nor the Authority could unilaterally changes it. The previous passenger cap at Reagan National was repealed, thereby ending growth controls, in exchange for a freeze on slots. Lastly, the perimeter rule at 1,250 miles was established.

For those interested in securing capital investments at both airports, the transfer of these airports under a long-term lease arrangement to the Metropolitan Washington Airports Authority gave MWAA the power to sell bonds to finance the long-overdue work. The Authority has sold millions of dollars in bonds which has financed the new terminal, rehabilitation of the existing terminal, a new control tower and parking facilities at Reagan National.

These improvements would not have been possible without the 1986 Transfer Act which included the high density rule, and the perimeter rule. Limitations on operations at National had long been in effect through FAA regulations, but now were part of the balanced compromise in the Transfer Act.

For those who feared significant increases in flight activity at National and who for years had prevented any significant investments in National, they were now willing to support major rehabilitation work at National to improve service. They were satisfied that these guarantees would ensure that Reagan National would not become another ''Dulles or BWI''.

Citizens had received legislative assurances that there would be no growth at Reagan National in terms of permitted scheduled flights beyond on the 37-per-hour-limit. Today, unless the Robb amendment is adopted, we will be breaking our commitments.

These critical decisions in the 1986 Transfer Act were made to fix both the aircraft activity level at Reagan National and to set its role as a short/medium haul airport. These compromises served to insulate the airport from its long history of competing efforts to increase and to decrease its use.

Since the transfer, the Authority has worked to maintain the balance in service between Dulles and Reagan National. The limited growth principle for Reagan National has been executed by the Authority in all of its planning assumptions and the Master Plan. While we have all witnessed the transformation of National into a quality airport today, these improvements in terminals, the control tower and parking facilities were all determined to meet the needs of this airport for the foreseeable future based on the continuation of the high density and perimeter rules.

These improvements, however, have purposely not included an increase in the number of gates for aircraft or aircraft capacity.

Prior to the 1986 Transfer Act, while National was mired in controversy and poor service, Dulles was identified as the region's growth airport. Under FAA rules and the Department of Transportation's 1981 Metropolitan Washington Airports Policy, it was recognized that Dulles had the capacity for growth and a suitable environment to accommodate this growth.

Following enactment of the Transfer Act, plans, capital investments and bonding decisions made by the Authority all factored in the High Density and Perimeter rules.

Mr. President, I provide this history on the issues which stalled improvements at the region's airports in the 1970s and 1980s because it is important to understanding how these airports have operated so effectively over the past 13 years.

Every one of us should ask ourselves if the 1986 Transfer Act has met our expectations. For me, the answer is a resounding yes. Long-overdue capital investments have been made in Reagan National and Dulles. The surrounding communities have been given an important voice in the management of these airports. We have seen unprecedented stability in the growth of both airports. Most importantly, the consumer has benefited by enhanced service at Reagan National.

For these reasons, I have opposed an increase in slots at Reagan National. There is no justification for an increase of this size. It is not recommended by the administration, by the airline industry, by the Metropolitan Washington Airports Authority or by the consumer.

The capital improvements made at Reagan National since the 1986 Transfer Act have not expanded the 44 gates or expanded airfield capacity. All of the improvements that have been made

have been on the land side of the airport. No improvements have been made to accommodate increased aircraft capacity. Expanding flights at Reagan National will simply ''turn back the clock'' at National to the days of traffic gridlock, overcrowded terminal activity and flight delays—all to the detriment of the traveling public.

This ill-advised scheme is sure to return Reagan National to an airport plagued by delays and inconvenience. This proposal threatens to overwhelm the new facilities, just as the previous facilities were overwhelmed.

Mr. President, it is completely inappropriate for Congress to act as ''airport managers'' to legislate new flights. Those decisions should be made by the local airport authority with direct participation by the public in an open process. Today, we will be preventing local decisionmaking.

I know that my colleagues readily cite a recent GAO report that indicates that new flights at Reagan National can be accommodated. This report, however, plainly includes an important disclaimer. That disclaimer states:

> This study did not evaluate the potential congestion and noise that could result from an increase in operations at Reagan National. Ultimately, . . . the Congress must balance the benefits that additional flights may bring to the traveling public against the local community's concerns about the effect of those flights on noise, the environment, and the area's other major airports.

Surely, we cannot make this important decision in a vacuum. Determining how many flights serve Reagan National simply by measuring how quickly we can clear runway space is not sound policy.

For these reasons I urge the adoption of the Robb amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The 5 minutes allocated to the Senator have expired.

Mr. SARBANES. Mr. President, I rise in support of Senator ROBB's amendment to strike the exceptions to the high-density slot limit and the flight perimeter rule at Reagan National Airport.

I have serious concerns about increasing the number of flights and granting exemptions to the 1,250 mile nonstop perimeter rule at Ronald Reagan Washington National Airport. In my judgment, the bill provisions creating new slots at DCA and allowing for nonstop flights beyond the airport's existing 1,250 mile perimeter are fundamentally flawed for four reasons: first, they contravene longstanding federal policy; second, they undermine regional airport plans and programs; third these provisions will not have any significant impact on service for most consumers or competition in the Washington metropolitan region; and finally the provisions will subject local residents to an unwarranted increase in overflight noise.

First, the slot and perimeter rules have been in place for more than thirty years. And they were codified in the 1986 legislation that created the Metropolitan Washington Airports Authority. Both rules were pivotal in reaching the political consensus among federal, regional, state, and local interests that allowed for passage of the 1986 legislations. The rules, as codified, were designed to carefully balance the benefits and impacts of aviation in the Washington metropolitan area. The bill now before us would overturn more than thirty years of federal policies and upset the balance struck in 1986.

Second, the slot and perimeter rules are among the most fundamental air traffic management and planning tools available to the Metropolitan Washington Airports Authority. The Washington-Baltimore regional airport system plan and Reagan National Airport's master plan both rely on the slot and perimeter rules. By eliminating these tools, the bill before us would inappropriately override the authority and control vested in the Metropolitan Washington Airport Authority and would affect local land use plans. One of the main purposes of the 1986 Metropolitan Washington Airports Authority Act was to remove the federal government from the business of micro managing the operation of National Airport. The bill before us puts the federal government right back in the business of making decisions about daily operations and local community impacts—issues that should be left to local decision-makers.

Third, if the Washington region were not served by two other airports, Dulles and BWI, specifically designed to handle the kind of long-haul commercial jet operations never intended to use National, then the argument that the slot and perimeter rules are somehow inherently ''anti-competitive,'' might have some validity. However, because consumers have access to so many choices, the rules do not injure competition in the Washington-Baltimore region. Far from being an anemic market, the Washington-Baltimore market today is one of the healthiest and most competitive markets in the country. Consumers can choose between three airports and a dizzying number of flights and flight times. Indeed, GAO recently reported that even if the perimeter rule were removed ''only a limited number of passengers will switch'' from Dulles or BWI to National, underscoring my contention that the proposed new slots will yield no significant benefit to local consumers or otherwise improve the local market.

Finally, let me address the very important issue of noise, which is of principal concern to my constituents. Anyone who lives in the flight path of National Airport knows what a serious problem aircraft noise poses to human health and even performing daily activities. Citizens for the Abatement of Aircraft Noise (CAAN), a coalition of citizens and civic associations which has been working for more than 14 years to reduce aircraft noise in the Washington metropolitan area, has analyzed data from a recent Metropolitan Washington Airport Authority report which shows that between 31% and 53% of the 32 noise monitoring stations in the region have a day-night average sound level which is higher than the 65 decibel level that has been established by the EPA and the American National Standards Institute as the threshold above which any residential living is incompatible. New slots will add to the noise problem.

Mr. President, I support this amendment because I believe Congress should defer to the FAA and local airport officials on this issue. I also believe that Congress should not be asking hundreds of thousands of local residents to tolerate more aircraft noise merely to benefit a handful of frequent flyers and fewer than a handful of airlines. I urge my colleagues to support the amendment as well.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. ROBB. Mr. President, I thank my senior colleague. He and I were away from the Senate floor for the signing of the defense authorization bill, which was the work of my colleague from Virginia and the committee he chairs. I thank him for his kind comments.

Very simply, this amendment is about a 1986 agreement, on which the senior Senator from Virginia and I both worked, as well as many others. It was an agreement between the Federal Government and the local governments and the State governments involved to make sure that we addressed the serious concerns that were then holding up any progress on improvements on National Airport.

At that time, we recognized that the two airports, Dulles Airport and Ronald Reagan Washington National Airport, work in tandem; they should be viewed as a single airport. Together, they serve consumers and the Washington region well. It was agreed that a local authority would best manage the airports, just as all other airports across the nation.

In this particular case, if we were to approve an increase in flights at National Airport, we would be breaking that deal.

We would also increase the delay and increase the disruption to local communities. Most importantly, we would be going back on a deal—we would be reneging on a deal that was made so the Federal Government would stay out of the business of trying to micromanage the only two airports in the area.

I hope the Members will respect the agreement that this body, the Federal Government, and the State governments and the local governments entered into in 1986, and move to strike the additional slots that are in an otherwise meritorious bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Does the Senator from Virginia yield the remainder of the time? You have 2 minutes left.

Mr. ROBB. Unless my senior colleague has additional remarks or the Senator from Arizona, I would yield back.

Mr. WARNER. I have no additional remarks. My colleague has handled it. Our statements are very clear. We have worked together now for these many months. We did our very best on behalf of our State for this issue.

Mr. MCCAIN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona has no more time.

Mr. ROBB. The Senator from Virginia yields back any time remaining.

The PRESIDING OFFICER. The Senator from Nevada has 2 minutes 55 seconds.

Mr. BRYAN. Mr. President, it is tempting to engage my colleagues in debate, both of whom are good friends, but I shall refrain from doing so, knowing the merits of this will result in the rejection of this amendment; therefore, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to the Robb amendment. The yeas and nays have been ordered. The clerk will call the roll.

Excuse me. The yeas and nays have not been ordered.

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 (Mr. SMITH of Oregon). The question is on agreeing to the Robb amendment No. 2259. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Florida (Mr. MACK) are necessarily absent.

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—37

Bayh	Hollings	Moynihan
Biden	Hutchison	Murray
Collins	Inouye	Reed
Conrad	Jeffords	Robb
Daschle	Johnson	Sarbanes
DeWine	Kennedy	Schumer
Dodd	Kerry	Smith (NH)
Dorgan	Lautenberg	Snowe
Durbin	Leahy	Torricelli
Edwards	Levin	Warner
Fitzgerald	Lieberman	Wellstone
Graham	Lincoln	
Gregg	Mikulski	

NAYS—61

Abraham	Burns	Gorton
Akaka	Byrd	Gramm
Allard	Campbell	Grams
Ashcroft	Cleland	Grassley
Baucus	Cochran	Hagel
Bennett	Coverdell	Harkin
Bingaman	Craig	Hatch
Bond	Crapo	Helms
Boxer	Domenici	Hutchinson
Breaux	Enzi	Inhofe
Brownback	Feingold	Kerrey
Bryan	Feinstein	Kohl
Bunning	Frist	Kyl
Landrieu	Roberts	Stevens
Lott	Rockefeller	Thomas
Lugar	Roth	Thompson
McCain	Santorum	Thurmond
McConnell	Sessions	Voinovich
Murkowski	Shelby	Wyden
Nickles	Smith (OR)	
Reid	Specter	

NOT VOTING—2

Chafee	Mack

The amendment (No. 2259) was rejected.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, the Senator from New Jersey, Mr. LAUTENBERG, has inserted—

Mr. BYRD. Mr. President, the Senate is not in order. May we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I hope the Senator will forgive me. I am asking for order, and I am going to insist on it. I want to help the Chair to get order.

The PRESIDING OFFICER. The Senator is entitled to be heard.

Mr. BYRD. I hope the Chair will break that gavel so that Senators will hear him.

The PRESIDING OFFICER. Will the Senators in the well holding conversations please take them out.

I thank the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

AMENDMENTS NOS. 2266 AND 1921

(Purpose: To make technical changes and other modifications to the substitute amendment.)

(Purpose: To improve the safety of animals transported on aircraft, and for other purposes)

Mr. MCCAIN. Mr. President, the Senator from New Jersey has insisted on his rights, which he has as a Senator, to propose an amendment, for which he seeks half an hour of discussion, followed by a vote on his amendment. He has another amendment which he has agreed to include in the managers' package, which is agreeable to both sides.

I ask unanimous consent that the Lautenberg amendment No. 1921 concerning pets be included in the managers' package and that the package be accepted at this time.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I add to that unanimous consent request that immediately following that, the Senator from New Jersey be recognized for half an hour, and following this half hour we will vote on his second amendment, and that be immediately followed by final passage.

Mr. LAUTENBERG. Mr. President, I am not going to object. But I will try to wrap that up in less than half an hour to move the process.

Mr. MCCAIN. I thank the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 2266 and 1921) were agreed to.

(The text of the amendments is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. Without objection, the underlying Gorton amendment No. 1892 is agreed to.

The amendment (No. 1892) was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that no further amendments be in order.

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

Mr. MCCAIN. I yield the floor. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

As a courtesy to the Senator from New Jersey, all those having conversations will please take them off the floor.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, there is still a fair amount of commotion in the Chamber, and if I might ask that the Chamber be in order.

The PRESIDING OFFICER. The Senator is entitled to be heard.

Mr. LAUTENBERG. Mr. President, I hate to talk above the din, but I will take the liberty of doing so if that competition continues to exist.

Mr. BYRD. Mr. President, there is no reason the Senator from New Jersey has to insist on order. I ask that the Chair get order in the Senate.

The PRESIDING OFFICER. If each Senator holding a conversation could give the Senator from New Jersey their attention or take the conversation out of the Chamber, it would be appreciated.

The Senator from New Jersey.

Mr. LAUTENBERG. I thank the keeper of sanity in the Senate, the distinguished Senator from West Virginia, for his ever available courtesy.

AMENDMENT NO. 1922

(Purpose: To state requirements applicable to air carriers that bump passengers involuntarily)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. LAUTENBERG) proposes an amendment numbered 1922.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title IV, insert the following new section:

SEC. 454. REQUIREMENTS APPLICABLE TO AIR CARRIERS THAT BUMP PASSENGERS INVOLUNTARILY.

(a) IN GENERAL.—If an air carrier denies a passenger, without the consent of the passenger, transportation on a scheduled flight for which the passenger has made a reservation and paid—

(1) the air carrier shall provide the passenger with a one-page summary of the passenger's rights to transportation, services, compensation, and other benefits resulting from the denial of transportation;

(2) the passenger may select comparable transportation (as defined by the air carrier), with accommodations if needed, or a cash refund; and

(3) the air carrier shall provide the passenger with cash or a voucher in the amount that is equal to the value of the ticket.

(b) DELAYS IN ARRIVALS.—If, by reason of a denial of transportation covered by subsection (a), a passenger's arrival at the passenger's destination is delayed—

(1) by more than 2 hours after the regularly schedule arrival time for the original flight, but less than 4 hours after that time, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to twice the value of the ticket; or

(2) for more than 4 hours after the regularly schedule arrival time for the original flight, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to 3 times the value of the ticket.

(c) DELAYS IN DEPARTURES.—If the earliest transportation offered by an air carrier to a passenger denied transportation as described in subsection (a) is on a day after the day of the scheduled flight on which the passenger has reserved and paid for seating, then the air carrier shall pay the passenger the amount equal to the greater of—

(1) $1,000; or

(2) 3 times the value of the ticket.

(d) RELATIONSHIP OF BENEFITS.—

(1) GENERAL AND DELAY BENEFITS.—Benefits due a passenger under subsection (b) or (c) are in addition to benefits due a passenger under subsection (a) with respect to the same denial of transportation.

(2) DELAY BENEFITS.—A passenger may not receive benefits under both subsection (b) and subsection (c) with respect to the same denial of transportation. A passenger eligible for benefits under both subsections shall receive the greater benefit payable under those subsections.

(e) CIVIL PENALTY.—An air carrier that fails to provide a summary of passenger's rights to one or more passengers on a flight when required to do so under subsection (a)(1) shall pay the Federal Aviation Administration a civil penalty in the amount of $1,000.

(f) DEFINITIONS.—In this section:

(1) AIRLINE TICKET.—The term ''airline ticket'' includes any electronic verification of a reservation that is issued by the airline in place of a ticket.

(2) VALUE.—The term ''value'', with respect to an airline ticket, means the value of the remaining unused portion of the airline ticket on the scheduled flight.

(3) WITHOUT CONSENT OF THE PASSENGER.—The term ''without consent of the passenger'', with respect to a denial of transportation to a passenger means a passenger, is denied transportation under subsection (a) for reasons other than weather or safety.

Mr. LAUTENBERG. Mr. President, I first want to thank the managers of the bill and acknowledge their hard work. The distinguished Senator from Arizona and the distinguished Senator from West Virginia have performed an extremely arduous task to get this bill to the place that it is. I don't enjoy holding the work back. I don't think I am doing that. By some quirk in the process, our amendment was not offered at an earlier time because of a procedural mixup. I thank them. I commend them for their understanding. I know they want to see this bill get into law. It is very important that we do.

I offer an amendment on an issue that is, unfortunately, becoming more and more of a problem for American travelers. That is the experience of reserve paid passengers being bumped from overbooked airline flights.

I have talked to Members, and I speak from direct personal experience where airlines said: Sorry, seats are filled—even though you have arrived on time, paid for your reservation—that is life, and we are sorry, and you can get there by going first to Boston, or Cincinnati, or what have you.

Our skies are more crowded than ever. People need to move quickly between different cities to do business and also to attend to a wide variety of personal functions. As this need has grown, people who fly find themselves increasingly at the mercy of the airlines. The airlines are not quite as user friendly as they used to be when they were scraping to get the revenues and the profits. They do not always treat their customers as they should.

They are pretty good. I give them credit. But in 1998, almost 45,000 customers—44,797, to be precise—were bumped from domestic flights on the 10 largest carriers; 45,000 people to whom word was given, well, you have lost your seat, and maybe you can get to your business appointment tomorrow; maybe you can miss the flight you were going to take to India; or maybe the funeral that was going to be held that you were going to attend can be held over for a couple of days until you get there.

Mr. President, it is not pleasant news when it happens. This year, the numbers have increased. For the first 6 months, 29,213 customers have been involuntarily bumped. If the trend continues, this year over 58,000 people could be involuntarily bumped—paid for, reserved, and just not able to get on the airplane.

People with a paid reservation have a right to expect a seat on the flight they booked. But too often they discover that having a ticket doesn't mean much when they get to the gate.

For the first half of the year, the number of people bumped from airlines has increased. Nothing ruins a business trip or a vacation more thoroughly than being bumped from a flight. It is sometimes impossible to make up for the lost hours and the frustration of rearranging longstanding business or personal plans.

The airlines ought not to be able to act as an elitist business. They have to treat their customers with respect, just as any other seller of services or products would have to do. They are the only business I know of that deliberately oversells their products.

Can you imagine, if you go to your doctor and you have an appointment, it is urgent that you see him, and you get bumped because someone else took your place; or you go to buy furniture, you paid for it, for 3 months you want to go down and see the final product, and they say, sorry, someone else took your place.

The airlines have a unique position. They also are users of a commodity that belongs to the American people; that is, our airspace. They use our airports that are paid for by others. They have lots of community services that accompany this process of handling passengers. When people hold a valid ticket to a sporting event or a concert, they know when they get there they are going to have a seat. They deserve the same assurances when they try to fly.

Current practices don't go far enough. There are regulations, but they don't have the teeth to get the airlines to respect passengers who hold paid for and reserved tickets. The regulations are out of date. They don't provide incentives for the airlines to pay attention to this overbooking problem. The amount of compensation has not been increased for those who are bumped since the early 1980s. The dollar amounts are not enough to have any impact on the airlines and their decisions to overbook flights.

I do not want to see them flying with empty seats. I do not think that is a good idea. People ought not to take advantage and make two, three, and four reservations and then do not show up. But the airlines are smart enough to figure out a different way to do it. Perhaps they will have to have some kind of a deposit on a reservation that is honored as part of the cost of the ticket. If not, then it becomes a reminder to the passenger, as well as to the airline, as well as a benefit to the airline, that they lost their seat.

While there are regulations now, we need to make this a matter of statutory law so the airlines step up to this serious issue. The Senate needs to send a strong message to the airlines that it cannot treat our constituents as second-class citizens when they fly. We need to put strong measures into law to protect consumers, and that is what this amendment does.

Very simply, my amendment is not out to get the airlines. It is to make sure that people are treated fairly, and we are going to have a chance to see whether my colleagues agree with me.

My amendment will make the airlines act more responsibly by allowing travelers who are bumped from a flight to first choose between alternative travel plans or receiving a full refund. Every traveler who is bumped will receive cash or a travel voucher at least

equal to the amount they paid for the flight. The amount of compensation would increase based on how long the person is delayed from his or her destination.

If a passenger is delayed more than 2 hours, he or she would receive 200 percent of the value of his or her ticket. If a passenger cannot depart that day, then he or she would receive 300 percent of the value of the ticket, or $1,000, whichever is greater. This will remind the airlines they have, after all, already sold that seat. They have already gotten the income from that seat.

My amendment would also require the airlines to disclose these rights to passengers in a one-page, simple-language summary. The burden should not be on the customer to read up on the latest Federal regulation or law to know their rights.

My goal is not to sponsor a ticket giveaway. The goal is to hold the airlines accountable when they put profits ahead of respect and service for their customers.

I will cut short my presentation. I ask my colleagues to recognize on what we are voting. We are voting on whether or not a passenger who gets bumped is entitled to compensation for being refused that flight or whether we are going to protect the airline's ability to continue to sell more than one person the same seat and hope they will be able to get away with it.

That, Mr. President, concludes my comments.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I see the majority leader on the floor. It is the intention of the two leaders to finish debate on this, have a vote on this amendment, and then have final passage by voice vote.

Mr. MCCAIN. I ask unanimous consent to vitiate the yeas and nays.

Mr. LAUTENBERG. I object.

Mr. MCCAIN. On final passage.

Mr. LAUTENBERG. No objection.

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

The question is on agreeing to the Lautenberg amendment.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I want to speak a moment to my colleagues. The Senator from New Jersey has indicated he wants to send a strong message to the airlines. I do, too. In fact, over a period of a number of months, a number of us have negotiated a strong message. What we did not do, however, is prescribe exactly what it was that would take place with each and every one of the problems. We forced them to report to us through the Department of Transportation with the inspector general monitoring and watching.

I have no objection to part of what is in this amendment, but what the Senator from New Jersey gets into is the most careful kind of mandating: If it is more than 2 hours late, such and such; if it is 4 hours late, such and such penalty. It goes on. Sometimes it is three times the value of the ticket—it just depends for what it might be.

In other words, it is precisely the opposite of what we approached the airlines to negotiate with in a very hard fashion. For example, they are going to have to reply to us on notification of known delays, cancellations, diversions, and a lot of other subjects, and they are going to have to do it within a prescribed amount of time, to which they have agreed.

We are going to increase penalties for consumer violations under which this amendment falls. I say to the Senator, I do not have any problem with him putting forward the purpose of his amendment. I do have a problem and urge my colleagues to have a problem with prescribing exactly how much would be paid according to which number of hours and how long the delay was. That is what we have tried to avoid.

The Senator, from the beginning, has not been for that approach, but that approach is what we have agreed to with the airlines. I ask the Senator if he will be willing to take out on page 2, from line 9 through page 3, line 6—if he will be willing to modify his amendment to that extent?

Mr. MCCAIN. Mr. President, I believe under the unanimous consent agreement, it is now time for the vote on the Lautenberg amendment.

Mr. LAUTENBERG. Mr. President, I agree with the exception of one thing that happened I am sure was inadvertent. As I understood it, the unanimous consent agreement did not call for rebuttal in any way. Since the distinguished Senator from West Virginia chose to rebut, I would like to make a couple of sentences to respond to that, and I assume there will be no objection.

The PRESIDING OFFICER. The Senator is correct. Is there objection? The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, GAO has reviewed voluntary customer service plans and the GAO concluded many of the new measures that the airlines volunteered to do were already required in law or regulation. The problem is the voluntary customer service plan says nothing on the topic of involuntary bumping. Whatever there is already on the books does not do it.

I hope my colleagues will support this reminder to the airlines that they have to take better care of the passengers.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, following the Lautenberg vote, I ask unanimous consent that H.R. 1000 be discharged from the Commerce Committee, that the Senate proceed to its immediate consideration, all after the enacting clause be stricken, the text of S. 82, as amended, be inserted in lieu thereof, the bill be read a third time, and a voice vote then occur on passage of H.R. 1000. Finally, I ask consent that following the vote, S. 82 be placed back on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the Lautenberg amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1922. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—30

Baucus	Hollings	Lincoln
Boxer	Jeffords	Mikulski
Bryan	Johnson	Moynihan
Byrd	Kennedy	Reed
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Snowe
Dodd	Lautenberg	Specter
Feingold	Leahy	Torricelli
Feinstein	Levin	Wellstone
Harkin	Lieberman	Wyden

NAYS—68

Abraham	Durbin	McCain
Akaka	Edwards	McConnell
Allard	Enzi	Murkowski
Ashcroft	Fitzgerald	Murray
Bayh	Frist	Nickles
Bennett	Gorton	Reid
Biden	Graham	Robb
Bingaman	Gramm	Roberts
Bond	Grams	Rockefeller
Breaux	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Schumer
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Inouye	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	

NOT VOTING—2

Chafee	Mack

The amendment (No. 1922) was rejected.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of S. 82, the Federal Aviation Administration Reauthorization bill. Today is a great day for rural America's air passengers. This legislation, now known as the Air Transportation Improvement Act of 1999, will bring much needed air service to under served communities throughout the Nation. It will grant billions of dollars in federal funds to our Nation's small

airports for upgrades, through the Airport Improvements Program (AIP).

Senator MCCAIN, Chairman of the Committee on Commerce, Science and Transportation, is to be commended for his superb leadership on this complex and contentious measure. Together with Senator HOLLINGS, their joint efforts moved this bill through the committee, to the Senate floor, and to conference.

Also, Senator SLADE GORTON's leadership role in this legislation was vital. My friend and Colleague from the State of Washington proved himself pivotal earlier during S. 82 floor consideration. His counterpart, Senator JAY ROCKEFELLER, should also be commended for his efforts to move this bill forward.

Rural Americans are the biggest winners with the passage of S. 82. Citizens of under served communities will no longer have to travel hundreds of miles and several hours to board a plane. This legislation gives incentives to domestic air carriers and its 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.

I also applaud the hard work of Senator FRIST of Tennessee. He added provisions to S. 82 to expand small community air service. His dedicated efforts ensured that under served cities like Knoxville, Chattanooga and Bristol/Johnson are now in a position to receive additional or expanded air service. Likewise, his efforts will ensure that several under served regions in my home state of Mississippi, such as Gulfport-Biloxi, Tupelo, or Jackson, will become eligible to compete for more flights.

The major policy changes in S. 82 led to hard fought, but honest disagreements. I have enormous respect for the efforts of Senators JOHN WARNER and CHARLES GRASSLEY as they diligently advocated for their constituents and their respective states. This honest debate and willingness to work together to achieve common goals is what makes it exciting to serve in the United States Senate.

Throughout the last twelve months, my home state of Mississippi has received federal support from the AIP to make needed physical improvements. A portion of these funds went to the Meridian Airport Authority to rehabilitate the taxiway pavement. Other funds were allocated to the John C. Stennis International Airport in Hancock County to extend and light existing taxiways. These enhancements are needed. And this bill will ensure that the AIP will continue uninterrupted for the next three years. AIP's reauthorization within S. 82 will allow Mississippi to continue to receive funds for essential enhancements for the upcoming year. I look forward to working with the airport authorities in my home state to make sure that the right improvements are made at the right airports. This is essential to aviation safety and economic growth.

S. 82, through the Gorton-Rockefeller amendment, begins the process of evaluating current Air Traffic Control (ATC) management problems and implements initial change to begin to address these problems. I hope the Gorton/Rockefeller amendment will be a starting point for an intensive review of the ATC system next year. The delays experienced this past summer will return until a long-term solution to the Nation's ATC problems is implemented.

Once my Colleagues initiate ATC review, I encourage them to include all relevant stakeholders in this issue including officials from the general aviation community, Department of Defense, commercial airlines industry, and airports. Likewise, I hope the Senate will review other models of air traffic management, such as Nav Canada and others to examine ways that other countries are addressing this matter.

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 prepare S. 82 for consideration by the full Senate.

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

The following staff also participated on behalf of their Senators: David Broome; Steve Browning; Jeanne Bumpus; John Conrad; Brett Hale; Amy Henderson; Ann Loomis; Randal Popelka; Jim Sartucci; and Lori Sharpe.

These individuals worked very hard on S. 82, and the Senate owes them a debt of gratitude for their dedicated service to this legislation.

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

Mr. DASCHLE. Mr. President, I would like to voice my support for S. 82, the Air Transportation Improvement Act. I would also like to take this opportunity to commend Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senator HOLLINGS, the Ranking Member of that committee, for their leadership and their willingness to accommodate many of our colleagues who raised concerns about various provisions in the bill.

I would also like to thank Senator GORTON, the Chairman of the Aviation Subcommittee, and Senator ROCKEFELLER, the Ranking Member of that committee. They truly have been tireless advocates for improving aviation safety, security and system capacity. I would also like to thank the Majority Leader, Senator LOTT, for the cooperation he has shown on this bill and for recently leading the way on another aviation bill that allowed the FAA to release FY99 funds for airport construction projects. Finally, I would like to thank all of my colleagues for their willingness to allow timely Senate consideration of this must-pass legislation.

If it seems like the Senate has already considered legislation bill to authorize programs at the Federal Aviation Administration (FAA) including the Airport Improvement Program (AIP), that is because it has. More than a year ago, the Senate passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act. Although there was overwhelming support for this legislation in the Senate last year, House and Senate negotiators could not agree on a multi-year FAA authorization bill. In October of last year, Congress passed a six-month authorization of the FAA instead. The FAA has been operating under short-term extensions ever since.

Mr. President, this is no way to fund the FAA. Short-term extension after short-term extension disrupts long-term planning at the FAA and at airports around the country that rely on federal funds to improve their facilities and enhance aviation safety. Perhaps the only thing worse than passing a short-term extension is allowing the AIP program to lapse all together. Unfortunately, that is exactly what Congress did before the August recess when the House failed to pass a 60-day extension previously approved by the Senate. Almost two months later, Congress passed a bill authorizing the FAA to release $290 million for airport construction projects just before the funds were set to expire at end of the fiscal year.

Airports around the country came within one day of losing federal funds they need for construction projects. The numerous short-term extensions could have been avoided if Congress would have simply passed a multi-year FAA preauthorization bill. We had our chance last year, and we have had more than enough time to carry out that responsibility this year. The Senate Commerce Committee approved S. 82, the Air Transportation Improvement Act of 1999 on February 11—almost eight months ago. As my colleagues know, this legislation is almost identical to S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act.

With the amendment offered by the managers of the bill, S. 82 would authorize programs at the FAA including the AIP program through FY02. Specifically, it would provide more than $2.4 billion a year for airport construction projects and more than $2 billion a year for facilities and equipment upgrades. It would also provide between $5.8 billion and $6.3 billion for the FAA's operations in FY00 through FY02.

S. 82 includes a number of provisions to encourage competition among the

airlines and quality air service for communities. For instance, it would authorize $80 million for a four-year pilot program to improve commercial air service in small communities that have not benefitted from deregulation. Specifically, the bill calls for the establishment of an Office of Small Community Air Service Development at the Department of Transportation (DoT) to work with local communities, states, airports and air carriers and develop public-private partnerships that bring commercial air service including regional jet service to small communities.

I have often commented about how critical the Essential Air Service Program has been to small communities in South Dakota and around the country to retain air service. Although the Small Community Aviation Development Program would not provide a similar per passenger subsidy, it would give DoT the authority to provide up to $500,000 per year to as many as 40 communities that participate in the program and agree to pay 25 percent in matching funds. In addition, the legislation would establish an air traffic control service pilot program that would allow up to 20 small communities to share in the cost of building contract control towers. I am hopeful that South Dakota will have the opportunity to participate in the Small Community Aviation Development Program.

Mr. President, some have suggested that we should use S. 82 as a vehicle to reform the air traffic control (ATC) system. Due to a number of factors, including bad weather, flight delays reached record levels this summer. Last month, Senator ROCKEFELLER noted on the Senate floor that air traffic control delays increased by 19 percent from January to July of this year and by 36 percent from May to June when compared to the same time periods last year. The Air Transport Association estimates that the cost of air traffic control delays is $4.1 billion annually.

The Administrator of the FAA, Jane Harvey, recently announced a number of short-term plans to reduce air traffic control delays. Ensuring aviation safety must always be the FAA's top priority. But I think Administrator Harvey should be commended for working with the airlines to determine ways to reduce air traffic control delays while maintaining the FAA's commitment to safety. Although these short-term improvements may help reduce flight delays, Administrator Harvey and Secretary of Transportation, Rodney Slater, insist that more must be done to modernize the AT for the long-term.

Last week, Senators ROCKEFELLER and GORTON introduced a bill with a package of ATC improvements, and I am pleased that they plan to offer this proposal as an amendment to Air Transportation Improvement Act. Their proposal would create a Chief Operating Officer position with responsibility for funding and modernizing the ATC system. It would also create public-private joint ventures to purchase air traffic control equipment. Under their proposal, FAA seed money would be leveraged with money from the airports and airlines to purchase and field ATC modernization equipment more quickly. Although more may need to be done to improve the ATC system in the future, I think the plans announced by Administrator Harvey and the amendment offered by Senators ROCKEFELLER and GORTON are steps in the right direction.

Mr. President, I know some of our colleagues oppose provisions in that bill that would increase the number of flights at the four slot-controlled airports. The proposal to increase the number of flights at Ronald Reagan Washington National Airport has been particularly controversial, and I would like to commend Senator ROBB for being a strong advocate for his constituents in Northern Virginia. Although the amendment offered by the managers of the bill would reduce the increase from 48 to 24 new flights into Ronald Reagan Washington National Airport, I understand from Senator ROBB that many Virginians continue to find that increase objectionable. I know my distinguished colleague from Virginia will continue to make persuasive arguments against the increase, and I look forward to that debate.

Although there may be different provisions in this bill that each of us of may find objectionable, I hope my colleagues will join me in supporting S. 82, the Air Transportation Improvement Act. We simply cannot continue to fund the FAA and the AIP program with short-term extensions. It is unfair to the FAA, and it is unfair to airports in South Dakota and throughout the country. I encourage my colleagues to support S. 82, the Air Transportation Improvement Act.

Mr. GRASSLEY. I have filed an amendment dealing with child exploitation which I will not press at this time. However, during the conference on the FAA bill, I intend to pursue the matter further. It is my understanding that Senator MCCAIN will be willing to entertain soon an amendment during conference. Is that correct?

Mr. MCCAIN. That is correct.

Mr. HARKIN. Mr. President, the Senate struck the portion of the Gorton slots amendment concerning O'Hare Airport and inserted a portion of the language that had appeared in last years measure. I understand that was not done because the Chairman and Senator ROCKEFELLER supported the substance of the change. I understand there was a concern with the filing of over 300 amendments on the issue. It was clear that we would have had difficulty finishing the bill if the Senate was forced to consider those amendments. Now we can move this measure to conference. I am hopeful that we will see the slot rule eliminated in two phases in the conference. I believe that the O'Hare elements of the Gorton Amendment are solid and would be an excellent position for the Senate to push for, given that the House has proposed to eliminate slots at O'Hare.

We need a two-step elimination of the slot rule to provide time for mitigation against the adverse effects of the rule. These include: the need to provide for improved turboprop service for our small cities, the need to provide for regional jets for our mid-sized cities, the need to provide for balance between the major carriers and we need an ability to provide for new entrant carriers to competitively compete. I am pleased that Senator GRASSLEY is expected to be a conferee on the entire measure.

Mr. GRASSLEY. Mr. President, I agree with the remarks of my fellow Senator from Iowa. We need to eliminate the slot rule which is detrimental to the air service for cities in Iowa and throughout the Midwest. But, the elimination of slots does need to be done in the proper way. Otherwise the major carriers will absorb all of the capacity of the airport, not [providing sufficient service for small and medium sized cities. We need to provide for service by new entrant carriers that can provide for real competition on the price of tickets, increased ability to provide for turboprops so our smaller cities can have proper service, and regional jets for improved service to mid sized cities. While I am pleased with the action by the House, I do believe that it is important that the conferees support the content of the original Gorton proposal.

Mr. MCCAIN. Mr. President, I do agree with the comments of both Senators from Iowa about the need to eliminate the slot rule in two phases at O'Hare. As I stated this morning, I am a supporter of the Gorton slot amendment before its modification by Senator FITZGERALD. I intend to do what I can to have the conference report on the bill contain the provisions of that measure regarding O'Hare which I believe is good policy.

Providing for a 40 month first phase during which regional jets and turboprop aircraft to airports with under two million enplanements, as well as exemption of new entrant carriers, all under the limitations set out in the original amendment would be exempt from the slot rule is crucial. These are key elements of a first phase in the elimination of slots at O'Hare. I will also support the increased service provisions that allow for improved service in conference.

Mr. ROCKEFELLER. Mr. President, I fully agree with Senators HARKIN and GRASSLEY and Chairman MCCAIN. It is very important that service to small and mid-sized cities be improved. I believe that the Gorton slot provisions as originally proposed was good policy that I intend to support in conference. Both Senators HARKIN and GRASSLEY

have worked hard toward the development of the slot amendment concerning O'Hare and the New York Airports and their interest is well noted and I intend to do what I can in conference to provide for a mechanism along the lines that they proposed be agreed to in the conference.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1000 by title.

The legislative clerk read as follows:

A bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 1000 is stricken and the text of S. 82, as amended, is inserted in lieu thereof. The question is on third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1000), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1000), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. S. 82 is returned to the calendar.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer. I want to thank some folks because this is important to do. I thank Senators HOLLINGS, GORTON, MCCAIN, DASCHLE, Majority Leader LOTT, and Senator DODD, obviously, on the slot question. I thank very much Senators SCHUMER, DURBIN, HARKIN and ROBB for their cooperation.

On the Democratic Commerce staff, I thank Sam Whitehorn, Kevin Kayes, Julia Kraus and Kerry Ates, who works with me; and on the GOP Commerce staff, Ann Choiniere and Michael Reynolds; and on Senator GORTON's staff, Brett Hale. They have all done wonderful work and I thank them.

Mr. CRAPO addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SUCCESSFUL INTERCEPT TEST OF THE NATIONAL MISSILE DEFENSE SYSTEM

Mr. COCHRAN. Mr. President, I am sure that by now Senators have heard the news that this past weekend a key element of our national missile defense system was successfully tested when a self-guided vehicle intercepted and destroyed an intercontinental ballistic missile in outer space some 140 miles above the Pacific Ocean.

This test was another in a string of successes of our new missile defense technology. The test last Saturday evening follows two consecutive successful intercepts each for the PAC–3 and THAAD theater missile defense systems.

The timing of this good news is fortunate, coming as it does a few weeks after our intelligence community released an unclassified summary of a new intelligence estimate which shows both theater and long-range ballistic missile threats continue to grow. That summary states:

The proliferation of [Medium Range Ballistic Missiles]—driven primarily by North Korean No-Dong sales—has created an immediate, serious, and growing threat to U.S. forces, interests and allies in the Middle East and Asia and has significantly altered the strategic balances in those regions.

Our new theater missile defense systems such as PAC–3, THAAD, and the airborne laser, and the Navy's area and theaterwide systems will help redress those balances and ensure the security of our forces and our allies.

The summary of the new intelligence estimate also discloses that new ICBM threats to the territory of the United States could appear in a few years and that those threats may be more sophisticated than previously estimated. The summary states:

Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies.

It states that countries such as North Korea, Iran, and Iraq could ''develop countermeasures based on these technologies by the time they flight-test their missiles.

The Washington Times reported recently that China's recent test of the DF–31 ICBM employed such countermeasures, and if the Chinese are willing to share this technology with rogue states such as North Korea, as the intelligence summary estimates, the threat we face may be more sophisticated than previously anticipated.

The intelligence summary notes a related trend that was also illustrated in a recent news report. It states:

Foreign assistance continues to have demonstrable effects on missile advances around the world. Moreover, some countries that have traditionally been recipients of foreign missile technology are now sharing more amongst themselves and are pursuing cooperative missile ventures.

Recently, the Jerusalem Post reported Syria is, with the help of Iran, developing a new 500 kilometer-range missile based on the North Korean Scud C. According to the summary of the National Intelligence Estimate, Iran is receiving technical assistance from Russia, and North Korea from China.

These disturbing trends suggest the ballistic missile threat—both to our forces deployed overseas and to our homeland—continue to increase, and it makes the recent successes all the more important. I congratulate the Army, the Ballistic Missile Defense Organization, and the contractor teams on their successes.

Saturday's success does not mean all the technical problems in our missile defense programs are solved, but the successful intercepts do confirm that the test programs are proving the technology of missile defense is maturing and that, with the appropriate resources, the talented men and women in our military and defense industries who are working on these programs are making very impressive progress on the development of workable theater and national missile defense systems. We should be very pleased with these successes and continue to support a robust missile defense program.

I yield the floor.

MILLENNIUM DIGITAL COMMERCE ACT

Mr. ABRAHAM. Mr. President, I wonder if the Chairman of the Banking Committee, Senator GRAMM, would agree to a short colloquy with respect to the issues we are currently addressing in S. 761, the Millennium Digital Commerce Act.

Mr. GRAMM. I am pleased to discuss this legislation with my colleague from Michigan.

Mr. ABRAHAM. It is my understanding that the Banking Committee is currently reviewing this legislation and the impact it might have on banking regulations and law.

Mr. GRAMM. As I understand it, one proposed amendment to S. 761 contains language which would preclude the use of electronic records by business in instances where there is a state law or regulation affecting that record and that notification and disclosure requirements in particular would be precluded from being sent electronically.

Mr. ABRAHAM. That is correct.

Mr. GRAMM. That, Mr. President, is what causes some concern. I would say to the Senator from Michigan that I understand what your legislation intends to do and I support the goals of this bill, but notification and disclosure requirements are the responsibility of the Banking Committee. At this time, the Federal Reserve is formulating regulations for the use of electronic records by banks and mortgage providers, and notification and disclosure requirements will be a part of the proposed rules.

For that reason, I believe the Banking Committee should have the opportunity to consider this matter.

Mr. ABRAHAM. I thank my colleague for explaining his thoughts on

this bill. While I would note that the opportunities presented by electronic records go beyond banks, it is certainly not my intention to have this bill interfere in the jurisdiction of the Banking Committee. Therefore, I would ask the Chairman whether the portion of the language pertaining to records would best be removed from the bill and left for further work by the Banking Committee.

Mr. GRAMM. Yes it would. I would also say to the Senator from Michigan that, with this modification, I would have no further objection to the consideration of this bill. Also, I want to once again express my support for what the Senator is seeking to accomplish and pledge to assist him in this effort.

Mr. ABRAHAM. I thank the distinguished Chairman for his input.

Mr. GRAMM. I thank my colleague from Michigan.

CLEMENCY OFFER TO FALN MEMBERS

Mr. COVERDELL. Mr. President, as you know I have been a strong critic of the President's recent decision to offer clemency to the 16 members of the Puerto Rican terrorist organization FALN. I have held hearings on this matter and have seen the outrage this action has prompted in many of my constituents and the public at large. I have received numerous communications regarding this situation which criticize the President's decision and question his motives. In particular, I would like to thank Larry Stewart of Lynchburg, Virginia, one of the first to bring this matter to my attention. His interest in this action and its effect on our overall terrorism policy have been appreciated and helpful to me as our work on this issue has progressed.

THE MEDICARE BENEFICIARIES ACCESS TO CARE ACT

Mr. WELLSTONE. Mr. President, I speak today in support of Senator DASCHLE's bill titled the Medicare Beneficiary Access to Care Act, S.1678. I am proud to cosponsor this important bill because it will provide relief for health care providers suffering under drastic cuts resulting from the Balanced Budget Act (BBA) of 1997. That legislation has had a very negative impact on the Medicare program and the financial viability of our medical establishments providing care under that program. The Senate Minority Leader's legislation will scale back some of the BBA reductions and therefore provide the necessary reimbursement for providers who give needed medical services to patients. Let me be clear, patients will be the ultimate beneficiaries when this bill is enacted. A basic fact is that any person seeking medical attention will likely visit a medical establishment currently being affected by BBA payment reductions. If medical facilities close due to BBA cuts, it will adversely impact not only Medicare beneficiaries, but all of the citizens in that same community who need access to health care.

Back in 1997, I did not support the Balanced Budget Act. In fact, when this came up for consideration back then I said ''Mr. President, this is a huge mistake - a huge mistake.'' Realizing the vital role of Medicare in our country, I thought that we should be going in the opposite direction - providing the opportunity for all Americans to access decent healthcare. Although BBA passed, I did hope that it would not severely impact Medicare beneficiaries or the healthcare establishments that provide their care. Unfortunately, my worst fears have come true.

I have had an almost continuous stream of people from Minnesota come into my office and tell me about the dramatic, draconian effects that BBA has had on the ability of medical establishments to provide needed medical services to people in my state. We have heard from large academic teaching hospitals, small rural clinics, home healthcare agencies, skilled nursing facilities, hospices and physicians. It is hard to think of a medical establishment that has not been impacted by these cuts. According to the hospitals in my state, the total impact of BBA cuts for Minnesota over 5 years will be $908 million. The prognosis is really disturbing. We hear many service providers tell us they can not continue their operations because of these cuts. They are going to close their doors and shut down. Some of these establishments are located in rural settings where they are the only hospital or clinic or nursing facility within dozens and dozens of miles. What is going to happen when these facilities close? The answer is that peoples' health will suffer and the communities will suffer economically. The communities will suffer because they don't have a hospital. Businesses will be reluctant to locate in a community that does not have access to healthcare.

It doesn't have to be this way. In the United States Senate, we have the opportunity to fix some of the problems created by BBA. Senator DASCHLE's bill will lessen the impact of the BBA cuts on providers, thus benefitting patients. I think this package will make a substantial difference.

This bill will help our teaching hospitals by limiting further decreases in the Indirect Medical Education payments. Teaching hospitals are important not only because they train future physicians, but also because they treat a large number of Medicare beneficiaries. For skilled nursing facilities, this bill will repeal the $1500 therapy caps for three years until a new system can be implemented. For Home Healthcare Agencies, this bill postpones the 15% cut in payments for 2 years. For physicians, this bill would smooth out the fluctuations in physician payment rates. For Medicare Plus Choice, this bill provides enrollees with additional time to switch plans if their plan terminates. For clinics, this bill will create a new payment system that is linked to 1999 costs along with subsequent updates. For hospices, this bill will increase hospice payments by the full market basket updates.

This bill will allow many medical facilities in my state to continue operating. I'm sure the same holds true for most states. We need to pass this bill now. Health care is too important an issue. Even though not everybody has access to it, we do have a great health care system and it needs to be preserved. The BBA was a mistake, and now is the time to limit some of the resulting adverse consequences. I hope that my colleagues will join me in support of this bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 4, 1999, the Federal debt stood at $5,654,411,268,306.82 (Five trillion, six hundred fifty-four billion, four hundred eleven million, two hundred sixty-eight thousand, three hundred six dollars and eighty-two cents).

Five years ago, October 4, 1994, the Federal debt stood at $4,692,027,000,000 (Four trillion, six hundred ninety-two billion, twenty-seven million).

Ten years ago, October 4, 1989, the Federal debt stood at $2,878,049,000,000 (Two trillion, eight hundred seventy-eight billion, forty-nine million).

Fifteen years ago, October 4, 1984, the Federal debt stood at $1,572,268,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-eight million).

Twenty-five years ago, October 4, 1974, the Federal debt stood at $476,919,000,000 (Four hundred seventy-six billion, nine hundred nineteen million) which reflects a debt increase of more than $5 trillion—$5,177,492,268,306.82 (Five trillion, one hundred seventy-seven billion, four hundred ninety-two million, two hundred sixty-eight thousand, three hundred six dollars and eighty-two cents) during the past 25 years.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1606. An act to reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 11:05 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 356. An act to provide for the conveyance of certain property from the United States to Stainislaus County, California.

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 2681. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The message also announced that the House has agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 171. Concurrent resolution congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation.

H. Con. Res. 191. Concurrent resolution expressing the sense of the Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibits featuring works of a sacrilegious nature.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2466) making appropriations for the Departments of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. REGULA, Mr. KOLBE, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. WAMP, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. CRAMER, Mr. HINCHEY, and Mr. OBEY as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing Development, and for sundry independent agencies, boards, commissions, corporations, and for offices for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. DELAY, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. WICKER, Mrs. NORTHUP, Mr. SUNUNU, Mr. YOUNG of Florida, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that pursuant to section 301 of Public Law 104–1, the Speaker and the Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate appoints jointly the following individuals to a 5-year term to the Board of Directors of the Office of Compliance: Mr. Alan V. Friedman of California, Ms. Susan S. Robfogel of New York, and Ms. Barbara Childs Wallace of Mississippi.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission; to the Committee on the Judiciary.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO); to the Committee on Foreign Relations.

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2681. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 171. Concurrent resolution congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation; to the Committee on the Judiciary.

H. Con. Res. 191. Concurrent resolution expressing the sense of the Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibits featuring works of a sacrilegious nature; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 5, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1606. An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of a committee were submitted:

By Mr. LUGAR, for the Committee on Agriculture, Nutrition, and Forestry:

Paul W. Fiddick, of Texas, to be an Assistant Secretary of Agriculture.

Andrew C. Fish, of Vermont, to be an Assistant Secretary of Agriculture.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1686. A bill to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1687. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself and Mr. AKAKA):

S. 1688. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. HELMS, and Mr. DEWINE):

S. 1689. A bill to require a report on the current United States policy and strategy regarding counter-narcotics assistance for Colombia, and for other purposes; to the Committee on Foreign Relations.

By Mr. MACK (for himself, Mr. SARBANES, Mr. DEWINE, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. KERREY, Mr. LUGAR, Mr. KERRY, Mr. DODD, and Ms. LANDRIEU):

S. 1690. A bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 1691. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. ENZI, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HUTCHINSON, Mr. KYL, Mr. MACK, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THURMOND, Mr. WARNER, Mr. BENNETT, Mr. LOTT, Mr. ALLARD, Mr. BOND, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SHELBY, Mr. THOMAS, Mr. VOINOVICH, and Mr. COVERDELL): S. 1692. A bill to amend title 18, United States Code, to ban partial birth abortions; read the first time.

By Mr. GRAMS:

S. 1693. A bill to protect the Social Security surplus by requiring a sequester to eliminate any deficit; to the Committee on the Budget, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. DODD):

S. Res. 196. A resolution commending the submarine force of the United States Navy on the 100th anniversary of the force; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BULLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1686. A bill to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

CHUGACH ALASKA NATIVES SETTLEMENT IMPLEMENTATION ACT OF 1999

● Mr. MURKOWSKI. Mr. President. This morning I rise to introduce legislation to implement a settlement agreement between the Chugach Alaska Corporation (CAC) and the United States Forest Service. This legislation will fulfill a long overdue commitment of the Federal government made to certain Alaska Natives.

I am terribly troubled and disappointed that Congress must once again step in to secure promises to Alaska Natives that at best have been unnecessarily delayed by this Administration and at worst have been trampled by them.

This legislation will accomplish three goals:

It will direct the Secretary of Agriculture to, not later than 90 days after enactment, grant CAC the access rights they were granted under the Alaska National Interest Lands Conservation Act.

It will return to CAC cemetery and historical sites they are entitled to under section 14(h)(1) of the Alaska Native Claims Settlement Act.

It will require the Secretary of Agriculture to coordinate the development, maintenance, and revision of land and resource management plans for units of the National Forest System in Alaska with the plans of Alaska Native Corporations for the utilization of their lands which are intermingled with, adjacent to, or dependent for access upon National Forest System lands.

BACKGROUND

Pursuant to section 1430 of the Alaska National Interest Lands Conservation Act (ANILCA), the Secretary of the Interior, the Secretary of Agriculture, the State of Alaska, and the CAC, were directed to study land ownership in and around the Chugach Region in Alaska. The purpose of this study was twofold. The first purpose was to provide for a fair and just settlement of the Chugach people and realizing the intent, purpose, and promise of the Alaska Native Claims Settlement Act by CAC. The second purpose was to identify lands that, to the maximum extent possible, are of like kind and character to those that were traditionally used and occupied by the Chugach people and, to the maximum extent possible, those that provide access to the coast and are economically viable.

On September 17, 1982, the parties entered into an agreement now known as the 1982 Chugach Natives, Inc. Settlement Agreement that set forth a fair and just settlement for the Chugach people pursuant to the study directed by Congress. Among the many provisions of this agreement the United States was required to convey to CAC not more than 73,308 acres of land in the vicinity of Carbon Mountain. The land eventually conveyed contained significant amounts of natural resources that were inaccessible by road. A second major provision of the Settlement Agreement granted CAC rights-of-way across Chugach National Forest to their land and required the United States to also grant an easement for the purpose of constructing and using roads and other facilities necessary for development of that tract of land on terms and conditions to be determined in accordance with the Settlement Agreement. It is obvious that without such an easement the land conveyed to CAC could not be utilized or developed in a manner consistent with the intent of Congress as expressed in ANILCA and ANCSA.

More than seventeen years after the Settlement Agreement was signed the much needed easement still has not been granted and CAC remains unable to make economic use of their lands. It seems absurd to me that Congress passed a Settlement Act for the Benefit of Alaska Natives; then the federal government entered into a Settlement Agreement to implement that Act where the CAC was concerned; and today, we find ourselves once again in a position of having to force the government to comply with these agreements.

I have spoken directly to the Chugach Forest Supervisor, the Regional Forester, and to the Chief of the Forest Service about this issue. Just last month I facilitated a meeting between the Forest Service and CAC to work out final details. While the parties thought they had an agreement in principle it fell apart once it reached Washington, D.C. Therefore, I find it necessary to once again have Congress rectify inaction on behalf of the Forest Service.

It is my intent to hold a hearing on this issue in the Energy and Natural Resources Committee as soon as possible.●

By Mr. MCCAIN:

S. 1687. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1999

Mr. MCCAIN. Mr. President, today, I am introducing the Federal Trade Commission Reauthorization Act. The bill will authorize funding for the Commission for fiscal years 2001 and 2002. The measure sets spending levels at $149 million in FY 2001 and increases that amount for inflation and mandatory pay benefits to $156 for FY 2002.

The Federal Trade Commission (FTC) has two primary missions: (1) the prevention of anticompetitive conduct in the marketplace; and (2) the protection of consumers from unfair or deceptive acts or practices. The Commission accomplishes its anticompetitive mission primarily through premerger reviews under that Hart-Scott-Rodino Act. Under that Act, merger and acquisitions of a specified size are reviewed for anticompetitive impact. During the 1990's, the number of mergers that met these size requirements tripled. This has placed an increased burden on the Commission.

Additionally, the Commission pursues claims of unfair or deceptive practices or acts—essentially fraud. As electronic commerce on the Internet increases, fraud will certainly increase with it and the FTC should and will play a role in protecting consumers on the Internet, as they do in the traditional market place. The Commission's performance of these dual missions is vital to the protection of consumers.

The Commission was last reauthorized in 1996. That legislation provided for funding levels of $107 million in FY 1997 and $111 million in FY 1998. The bill I introduce today increases the previous authorization by $37 million. In general, the increase is necessary to meet the rising number of merger reviews under the Hart-Scott-Rodino Act and to protect consumers in the expanding world of e-commerce. According to the Commission's justification, the new authorization would fund 25 additional employees to work on merger and Internet issues. It will also help the Commission upgrade its computing facilities and fund increased consumer education activities.

The authorization, however, does not provide for the full amount requested by the Commission. In a recent request, the Commission asked for $176 million in FY2002. While I agree the Commission plays an important role in protecting consumers, their request represents more than a 50% increase in their authorization over a four-year period. At this point, I am not convinced that such a dramatic increase is warranted.

As we move through the authorization process, I look forward to hearing further from the FTC as to why such

an increase is needed to meet its statutory functions. I also hope to explore other ways we can improve the Commission's ability to protect customers without increasing spending.

For example, I was very interested in the comments of the FTC nominee Thomas Leary during his confirmation hearing regarding the Commission's merger review process. I know over the past few years, the Commission has taken steps to simplify this process reducing its own costs and the costs to the business community. Mr. Leary indicated, however, that more work could be done to change the internal procedures of the FTC to further reduce the number of reviews without harming competition. I look forward to exploring this topic with Mr. Leary and the other commissioners.

I look forward to working with the members of the Commerce Committee, the full Senate, and the Commission as we move through the authorization process.

By Mr. LEVIN (for himself and Mr. AKAKA):

S. 1688. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH BENEFITS CHILDREN'S EQUITY ACT OF 1999

Mr. LEVIN. Mr. President, I rise to introduce, along with my distinguished colleague Senator AKAKA, the Federal Employees Health Benefits Children's Equity Act of 1999.

This legislation concerns Federal employees who are under a court order to provide health insurance to their dependent children. If a Federal employee is under such a court order and his dependent children have no health insurance coverage, the Federal government would be authorized to enroll the employee in a ''family coverage'' health plan. If the employee is not enrolled in any health care plan, the Federal government would be authorized to enroll the employee and his or her family in the standard option of the service benefit plan. The bill would also prevent the employee from canceling health coverage for his dependent children for the term of the court order.

This bill would close a loophole created by the 1993 Omnibus Budget Reconciliation Act. The 1993 bill required each State to enact legislation requiring an employer to enroll a dependent child in an employee's group health plan when an employee is under a court order to provide health insurance for his or her child but neglects to do so. This legislation simply provides Federal agencies with the same authority granted to the states.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Health Benefits Children's Equity Act of 1999''.

SEC. 2. ENROLLMENT OF CERTAIN EMPLOYEES AND FAMILY.

Section 8905 of title 5, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f)(1)(A) An unenrolled employee who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may enroll for self and family coverage in a health benefits plan under this chapter.

''(B) The employing agency of an employee described under subparagraph (A) shall enroll the employee in a self and family enrollment in the option which provides the lower level of coverage under the service benefit plan if the employee—

''(i) fails to enroll for self and family coverage in a health benefits plan that provides full benefits and services in the location in which the child resides; and

''(ii) does not provide documentation demonstrating that the required coverage has been provided through other health insurance.

''(2)(A) An employee who is enrolled as an individual in a health benefits plan under this chapter and who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may change to a self and family enrollment in—

''(i) the health benefits plan in which the employee is enrolled; or

''(ii) another health benefits plan under this chapter.

''(B) The employing agency of an employee described under subparagraph (A) shall change the enrollment of the employee to a self and family enrollment in the plan in which the employee is enrolled if—

''(i) such plan provides full benefits and services in the location where the child resides; and

''(ii) the employee—

''(I) fails to change to a self and family enrollment; and

''(II) does not provide documentation demonstrating that the required coverage has been provided through other health insurance.

''(C) The employing agency of an employee described under subparagraph (A) shall change the coverage of the employee to a self and family enrollment in the option which provides the lower level of coverage under the service benefit plan if—

''(i) the plan in which the employee is enrolled does not provide full benefits and services in the location in which the child resides; or

''(ii) the employee fails to change to a self and family enrollment in a plan that provides full benefits and services in the location where the child resides.

''(3)(A) Subject to subparagraph (B), an employee who is subject to a court or administrative order described under this section may not discontinue the self and family enrollment in a plan that provides full benefits and services in the location in which the child resides for the period that the court or administrative order remains in effect if the child meets the requirements of section 8901(5) during such period.

''(B) Enrollment described under subparagraph (A) may be discontinued if the employee provides documentation demonstrating that the required coverage has been provided through other health insurance.''.

SEC. 3. FEDERAL EMPLOYEES' RETIREMENT SYSTEM ANNUITY SUPPLEMENT COMPUTATION.

Section 8421a(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) Notwithstanding paragraphs (1) through (4), the reduction required by subsection (a) shall be effective during the 12-month period beginning on the first day of the seventh month after the end of the calendar year in which the excess earnings were earned.''.

By Mr. GRASSLEY (for himself, Mr. HELMS, and Mr. DEWINE):

S. 1689. A bill to require a report on the current United States policy and strategy regarding counter-narcotics assistance for Colombia, and for other purposes; to the Committee on Foreign Relations.

COLOMBIAN COUNTER-NARCOTICS ASSISTANCE LEGISLATION

• Mr. GRASSLEY. Mr. President, I share many of my colleagues concerns about the need to do more to aid Colombia. But I also believe that our aid must be based on a clear and consistent plan, not on good intentions. We do Colombia no favors by throwing money at the problem. We do not help ourselves. Too often, throwing money at a problem is the same thing as throwing money away. For that reason, I, along with Senator HELMS and Senator DEWINE, am introducing legislation today calling on the U.S. Administration to present a plan.

Colombia is the third largest recipient of U.S. security aid behind Israel and Egypt. It is also the largest supplier of cocaine to the United States. But, we seem to find ourselves in the midst of a muddle. Our policy appears to be adrift, and our focus blurred.

This past Tuesday, the Caucus on International Narcotics Control held a hearing to ask the Administration for a specific plan and a detailed strategy outlining U.S. interests and priorities dealing with counter-narcotics efforts in Colombia. Before we in Congress get involved in a discussion about what and how much equipment we should be sending to Colombia, we need to discuss whether or not we should send any and why. Recent press reports indicate that the Administration is preparing a security assistance package to Colombia with funding from $500 million dollars to somewhere around $1.5 billion dollars.

And yet, Congress hasn't been able to evaluate any strategy. That's because there is none. From the hearing, it seems the Administration is incapable of thinking about the situation with

any clarity or articulating a strategy with any transparency. It seems confused as to what is actually happening in Colombia.

At Tuesday's hearing, representatives from the Department of State and the Department of Defense assured me they were currently working on a detailed strategy to be unveiled at some future point. So far there have been difficulties in creating a detailed and coherent strategy and presenting it to Congress. Today we are introducing a bill that requires the Secretary of State to submit to Congress within 60 days a detailed report on current U.S. policy and strategy for counter-narcotics assistance for Colombia.

This is an issue that will not just simply disappear. Before we begin appropriating additional funding for Colombia, we need strategies and goals, not just piecemeal assistance and operations. I strongly urge my colleagues to support this bill.

By Mr. MACK (for himself, Mr. SARBANES, Mr. DEWINE, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. KERREY, Mr. LUGAR, Mr. KERRY, Mr. DODD, and Ms. LANDRIEU):

S. 1690. A bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor counties; to the Committee on Foreign Relations.

DEBT RELIEF FOR POOR COUNTRIES ACT OF 1999

● Mr. MACK. Mr. President, I rise today with my colleague from Maryland, Mr. SARBANES, to introduce the Debt Relief for Counties Act of 1999. This bill simply forgives much of the debt owed to us by the world's poorest countries in exchange for commitments from these countries to reform their economies and work toward a better quality of life for their people. Our effort today is premised on the fact that we must help these poverty-stricken nations break the vicious cycle of debt and give them the economic opportunity to liberate their futures. I ask my colleagues to join me in this worthwhile effort.

Today, the world's poorest countries owe an average of $400 for every man, woman, and child within their borders. This is much more than most people in these countries make in a year. Debt service payments in many cases consume a majority of a poor country's annual budget, leaving scarce domestic resources for economic restructuring or such vital human services as education, clean water and sanitary living conditions. In Tanzania, for example, debt payments would require nearly four-fifths of the government's budget. In a country where one child in six dies before the age of five, little money remains to finance public health programs. Among Sub-Saharan African countries, one in five adults can't read or write, and it is estimated that in several countries almost half the population does not have access to safe drinking water.

Mr. President, the problems that yield such grim statistics will never be solved without a monumental commitment of will from their leaders, their citizens, and the outside world. That is not what we propose to do here today. Our bill is only a small step in the right direction, but it is one we can do quickly and for relatively little cost.

The effort to forgive the debts of the world's poorest countries has been ongoing for more than a decade. During this time the international community and the G7 came to the realization that the world's poorest countries are simply unable to repay the debt they owe to foreign creditors. The external debt for many of the developing nations is more than twice their GDP, leaving many unable to even pay the interest on their debts. We must accept the fact that this debt is unpayable. the question is not whether we'll ever get paid back, but rather what we can encourage these heavily indebted countries to do for themselves in exchange for our forgiveness.

Our bill requires the President to forgive at least 90 percent of the entire bilateral debt owed by the world's heavily indebted poor countries in exchange for verifiable commitments to pursue economic reforms and implement poverty alleviation measures. While roughly $6 billion is owed to the United States by these poor countries, it is estimated the cost of forgiving this debt would be less than ten percent of that amount. The U.S. share of the bilateral debt is less than four percent of the total, but our action would provide leadership to the rest of the world's creditor nations and provide some savings benefits to these countries as well.

Our bill also requires a restructuring of the IMF and World Bank's Heavily Indebted Poor Countries Initiative (HIPC). This program was begun in 1996, but to date only three countries have received any relief. While the premise of HIPC is sound, its shortcomings have become evident during the implementation. It promises much, but in reality it benefits too few countries, offers too little relief, and requires too long a wait before debt is forgiven. A process of reforming the HIPC was begun this year during the G7's meeting in Cologne, and our bill meets or exceeds the standards set out in the Cologne communique.

Specifically, we shorten the waiting period for eligibility from six to three years. We extend the prospect of relief to more countries. And we ensure that savings realized from the relief will be used to enhance ongoing economic reforms in addition to initiatives designed to alleviate poverty. This is a sound and balanced approach to help these poor countries correct their underlying economic problems and improve the standard of living of their people.

Mr. President, this legislation is not a handout to the developing world. Rather, it is an investment in these countries' commitment to implementing sound economic reforms and helping their people live longer, healthier and more prosperous lives. In order to receive debt relief under our bill, countries must commit the savings to policies that promote growth and expand citizens' access to basic services like clean water and education.

We have included a strict prohibition in our bill on providing relief to countries that sponsor terrorism, spend excessively on their militaries, do not cooperate on narcotics matters, or engage in systematic violations of their citizens' human rights. We are not proposing to help any country that is not first willing to help itself.

Mr. President, the debt accumulated in the developing world throughout the Cold War and into the 1990s has become a significant impediment to the implementation of free-market economic reforms and the reduction of poverty. We in the developed world have an interest in removing this impediment and providing the world's poorest countries with the opportunity to address their underlying economic problems and set a course for sustainability.

I believe our bill is an important first step in this process and I look forward to the support of my colleagues in the Senate.●

● Mr. SARBANES. Mr. President, I am pleased to join today with my colleague from Florida, Mr. MACK, in introducing the ''Debt Relief for Poor Countries Act of 1999.'' This bill is the companion legislation to H.R. 1095, offered in the House by Representatives LEACH and LAFALCE and cosponsored by 116 other Members.

The purpose of the bill is to provide the world's poorest countries with relief from the crippling burden of debt and to encourage investment of the proceeds in health, education, nutrition, sanitation, and basic social services for their people.

All too often, payments on the foreign debt—which account for as much as 70 percent of government expenditures in some countries—mean there is little left to meet the basic human needs of the population. In effect, debt service payments are making it even harder for the recipient governments to enact the kinds of economic and political reforms that the loans were designed to encourage, and that are necessary to ensure broad-based growth and future prosperity.

To address this problem the World Bank and the IMF began a program in 1996 to reduce $27 billion in debt from the most Heavily Indebted Poor Countries, known as the ''HIPC Initiative.'' But the program created a number of stringent criteria and provided only partial relief, which meant that only a small number of countries actually qualified for participation and the ones who did received only marginal benefits after an extended period of time.

Following calls by non-government organizations, religious groups and member governments for faster and

more flexible relief, the G–7 Finance Ministers, meeting this past June in Cologne, Germany, proposed alternative criteria that would make expanded benefits available quicker and to more countries. Last week, at the annual World Bank-IMF meetings here in Washington, President Clinton pledged to cancel all $5.7 billion of debt owed to the U.S. government by 36 of the poorest countries, and he sent a supplemental request for $1 billion over 4 years to pay the U.S. portion of the multilateral initiative. Canceling the debt will not cost the full $5.7 billion because many of the loans would never have been repaid and are no longer worth their full face-value. I commend the President for exercising international leadership on this important issue and for making it a foreign policy priority.

The legislation we are offering today goes even further by requiring the President to forgive at least 90 percent of the U.S. non-concessional loans and 100 percent of concessional loans to countries that meet the eligibility guidelines. To qualify, the countries must have an annual per capita income of less than $925, have public debts totaling at least 150 percent of average annual exports, and agree to use the savings generated by debt relief to facilitate the implementation of economic reforms in a way that is transparent and participatory, to reduce the number of persons living in poverty, to promote sustainable growth and to prevent damage to the environment.

Countries that have an excessive level of military expenditures, support terrorism, fail to cooperate in international narcotics control matters, or engage in a consistent pattern of gross violations of internationally recognized human rights are not eligible for debt relief under this legislation.

In addition, the bill urges the President to undertake diplomatic efforts in the Paris Club to reduce or cancel debts owed bilaterally to other countries, and to work with international financial institutions to maximize the impact of the HIPC Initiative. The United States accounts for less than 5 percent of the total debt burden, so it is essential that relief is provided in a coordinated and comprehensive fashion.

Mr. President, countries should not be forced to make a tradeoff between servicing their debt and feeding their people. And once debt is relieved, we should ensure that the savings are being used to reduce poverty and improve living standards, so that the benefits are widely shared among the population. This bill achieves both objectives, and I look forward to working with my colleagues to ensure its prompt consideration.●

By Mr. INHOFE (for himself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 1691. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

DISASTER MITIGATION ACT OF 1999

● Mr. INHOFE. Mr. President, I rise today to introduce the Disaster Mitigation Act of 1999. As the chairman of the Senate Subcommittee with jurisdiction over FEMA, I have been working on this legislation for the last couple of years. I am joined in the introduction today with my ranking member Senator BOB GRAHAM. I appreciate his commitment to this legislation and I look forward to working with him to shepherd this Bill through the process.

We have been witness to several major natural disasters already this year. And, we have three more months to go. We have seen devastating tornadoes ravage Oklahoma City and Salt Lake City. We have also seen the destruction brought on the East Coast by hurricanes Dennis and Floyd. Our hearts go out to the victims of these natural disasters. I was in Oklahoma City the morning of May 4, the day after the tornadoes moved through the Oklahoma City metro area. I have never seen destruction like that any place in the world. I was moved by the stories I heard and saw as we traveled through the remains of entire neighborhoods.

Now a few months later, I see and hear stories of the destruction brought by the flooding in North Carolina and I know the problems that lie ahead as they begin to recover. As the recovery effort begin, our hearts and our prayers go out to the people of North Carolina.

The Federal government, through FEMA, has been there to help people and their communities deal with the aftermath of disasters for over a generation. As chairman of the oversight Subcommittee I want to ensure that FEMA will continue to respond and help people in need for generations to come. Unfortunately, the costs of disaster recovery have spiraled out of control. For every major disaster Congress is forced to appropriate additional funds through Supplemental Emergency Spending Bills. This not only plays havoc with the budget and forces us to spend funds which would have gone to other pressing needs, but sets up unrealistic expectations of what the federal government can and should do after a disaster.

For instance, following the Oklahoma City tornadoes, there was an estimated $900 million in damage, with a large portion of that in federal disaster assistance. Now, in the aftermath of hurricane Floyd in North Carolina, estimates of $1 billion or more in damages are being discussed. This problem is not just isolated to Oklahoma City or North Carolina. In the period between fiscal years 1994 and 1998, FEMA disaster assistance and relief costs grew from $8.7 billion to $19 billion. That marks a $10.3 billion increase in disaster assistance in just five years. To finance these expenditures, we have been forced to find over $12 billion in rescissions.

The Bill I am introducing today will address this problem from two different directions. First, it authorizes a Predisaster Hazard Mitigation Program, which assists people in preparing for disasters before they happen. Second, it provides a number of cost-saving measures to help control the costs of disaster assistance.

In our bill, we are authorizing PROJECT IMPACT, FEMA's natural disaster mitigation program. PROJECT IMPACT authorizes the use of small grants to local communities to give them funds and technical assistance to mitigate against disasters before they occur. Too often, we think of disaster assistance only after a disaster has occurred. For the very first time, we are authorizing a program to think about preventing disaster-related damage prior to the disaster. We believe that by spending these small amounts in advance of a disaster, we will save the federal government money in the long-term. However, it is important to note that we are not authorizing this program in perpetuity. The program, as drafted, is set to expire in 2003. If PROJECT IMPACT is successful, we will have the appropriate opportunity to review its work and make a determination on whether to continue program.

We are also proposing to allow states to keep a larger percentage of their federal disaster funds to be used on state mitigation projects. In Oklahoma, the state is using its share of disaster funds to provide a tax rebate to the victims of the May 3 tornadoes who, when rebuilding their homes, build a ''safe room'' into their home. Because of limited funding, this assistance is only available to those who were unfortunate enough to lose everything they owned. We seek to give states more flexibility in determining their own mitigation priorities and giving them the financial assistance to follow through with their plans.

While we are attempting to re-define the way in which we respond to natural disasters, we must also look to curb the rising cost of post-disaster related assistance. The intent of the original Stafford Act was to provide federal assistance after States and local communities had exhausted all their existing resources. As I said earlier, we have lost sight of this intent.

To meet our cost saving goal, we are making significant changes to FEMA's Public Assistance program. One of the most significant changes in the PA program focuses on the use of insurance. FEMA is currently developing an insurance role to require States and local government to maintain private or self-insurance in order to qualify for the PA program. We applaud their efforts and are providing them with some parameters we expect them to follow in developing any insurance rule.

Second, we are providing FEMA with the ability to estimate the cost of repairing or rebuilding projects. Under current law, FEMA is required to stay in the field and monitor the rebuilding of public structures. By requiring FEMA to stay afield for years after the disaster, we run up the administrative cost of projects. Allowing them to estimate the cost of repairs and close out the project will bring immediate assistance to the State or local community and save the Federal government money.

We have spent months working closely with FEMA, the States, local communities, and other stakeholders to produce a bill that gives FEMA the increased ability to respond to disasters, while assuring States and local communities that the federal government will continue to meet its commitments.

In closing, I want to thank Senator GRAHAM for his help and the leadership he has taken on this important issue. Without his help, input, and insight, this legislation would be little more than an idea. As we continue to move this bill forward in the process, I look forward to continuing to work with him to make this legislation a reality.●

● Mr. GRAHAM. Mr. President, I rise to join my distinguished colleague from Oklahoma in introducing legislation that creates public and private incentives to reduce the cost of future disasters.

On June 1st, the start of the 1999 Hurricane Season, the National Weather Service predicted that the United States would face three or four intense hurricanes during the next six months.

We did not have a long wait to experience the accuracy of that forecast. From September 12–15, 1999, Hurricane Floyd dragged 140 mph winds and eight foot tidal surges along the eastern seaboard. Floyd caused flooding, tornadoes, and massive damage from Florida to New Jersey. Evacuations were conducted as far north as Delaware. This disaster claimed the lives of 68 people. Initial damage estimates suggest that Floyd could cost the federal government more than $6 billion. Just days later, Tropical Storm Harvey struck Florida's west coast. We are still assessing the combine effects of these storms.

Coming just seven years after Hurricane Andrew damaged 128,000 homes, left approximately 160,000 people homeless, and caused nearly $30 billion in damage, this year's developments remind us of the inevitability and destructive power of Mother Nature. We must prepare for natural disasters if we are going to minimize their devastating effects.

It is impossible to stop violent weather. But Congress can reduce the losses from severe weather by legislating a comprehensive, nationwide mitigation strategy. Senator INHOFE and I have worked closely with FEMA, the National Emergency Management Association, the National League of Cities, the American Red Cross, and numerous other groups to construct a comprehensive proposal that will make mitigation—not response and recovery—the primary focus of emergency management.

Our legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It will: Authorize programs for pre-disaster emergency preparedness; streamline the administration of disaster relief; restrain the Federal costs of disaster assistance; and provide incentives for the development of community-sponsored mitigation projects.

Mr. President, history has demonstrated that no community in the United States is safe from disasters. From tropical weather along the Atlantic Coast to devastating floods in the Upper Midwest to earthquakes in the Pacific Rim, we have suffered as a result of Mother Nature's fury. She will strike again. But we can avoid some of the excessive human and financial costs of the past by applying what we have learned about preparedness technology.

Florida has been a leader in incorporating the principles and practice of hazard mitigation into the mainstream of community preparedness. We have developed and implemented mitigation projects using funding from the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program and other public-private partnerships.

Everyone has a role in reducing the risks associated with natural and technological related hazards. Engineers, hospital administrators, business leaders, regional planners and emergency managers and volunteers are all significant contributors to mitigation efforts.

An effective mitigation project may be as basic as the Miami Wind Shutter program. The installation of shutters is a cost-effective mitigation measure that has proven effective in protecting buildings from hurricane force winds, and in the process minimizing direct and indirect losses to vulnerable facilities. These shutters significantly increase strength and provide increased protection of life and property.

In 1992, Hurricane Andrew did $17 million worth of damage to Baptist, Miami South, and Mercy Hospitals in Miami. As a result, these hospitals were later retrofitted with wind shutters through the Hazard Mitigation Grant Program.

Six years after Hurricane Andrew, Hurricane Georges brushed against South Florida. The shutter project paid dividends. Georges' track motivated evacuees to leave more vulnerable areas of South Florida to seek shelter. The protective shutters allowed these three Miami hospitals to serve as a safe haven for 200 pregnant mothers, prevented the need to evacuate critical patients, and helped the staff's families to secure shelter during the response effort.

In July of 1994, Tropical Storm Alberto's landfall in the Florida Panhandle triggered more than $500 million in federal disaster assistance. State and local officials concluded that the direct solution to the problem of repetitive flooding was to remove or demolish the structures at risk. A Community Block Grant of $27.5 million was used to assist local governments in acquiring 388 extremely vulnerable properties.

The success of this effort was evident when the same area experienced flooding again in the spring of 1998. While both floods were of comparable severity, the damages from the second disaster were significantly lower in the communities that acquired the flood prone properties. This mitigation project reduced their vulnerability.

We have an opportunity today to continue the working partnership between the federal government, the states, local communities and the private sector. In mitigating the devastating effects of natural disasters, it is also imperative that we control the cost of disaster relief. Our legislation will help in this effort. I encourage my colleagues to support this initiative.●

By Mr. GRAMS:

S. 1693. A bill to protect the Social Security surplus by requiring a sequester to eliminate any deficit; to the Committee on the Budget, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

SOCIAL SECURITY SURPLUS PROTECTION ACT OF 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Surplus Protection Act of 1999''.

SEC. 2. SEQUESTER TO PROTECT THE SOCIAL SECURITY SURPLUS.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended by adding at the end the following:

''(d) SOCIAL SECURITY SURPLUS PROTECTION SEQUESTER.—

''(1) IN GENERAL.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a sequestration (if any) under subsection (a), section 252, and section 253, there shall be a sequestration to eliminate any on-budget deficit (excluding any surplus in the Social Security Trust Funds).

''(2) ELIMINATING DEFICIT.—The sequester required by this subsection shall be applied in accordance with the procedures set forth in subsection (a). The on-budget deficit shall not be subject to adjustment for any purpose.''.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming

(Mr. THOMAS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 391

At the request of Mr. KERREY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 774

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 874

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 874, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1003

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1003, a bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1091

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1091, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1227

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1453

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1500

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. THOMAS), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1623

At the request of Mr. SPECTER, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1623, a bill to select a National Health Museum site.

S. 1653

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife foundation Establishment Act.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Virginia (Mr. WARNER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 196—COMMENDING THE SUBMARINE FORCE OF THE UNITED STATES NAVY ON THE 100TH ANNIVERSARY OF THE FORCE

By Mr. WARNER (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas the submarine force of the United States was founded with the purchase of the U.S.S. HOLLAND on April 11, 1900;

Whereas in overcoming destruction resulting from the attack of United States forces at Pearl Harbor, Hawaii, on December 7, 1941, and difficulties with defective torpedoes, the submarine force destroyed 1,314 enemy ships in World War II (weighing a cumulative 5,300,000 tons), which accounts for 55 percent of all enemy ships lost in World War II;

Whereas 16,000 United States submariners served with courage during World War II, and 7 United States submariners were awarded Congressional Medals of Honor for their distinguished gallantry in combat above and beyond the call of duty;

Whereas in achieving an impressive World War II record, the submarine force suffered the highest casualty rate of any combatant submarine service of the warring alliances, losing 375 officers and 3,131 enlisted men in 52 submarines;

Whereas from 1948 to 1955, the submarine force, with leadership provided by Admiral Hyman Rickover and others, developed an industrial base in a new technology, pioneered new materials, designed and built a prototype reactor, established a training program, and took to sea the world's first nuclear-powered submarine, the U.S.S. NAUTILUS, thus providing America undersea superiority;

Whereas subsequent to the design of the U.S.S. NAUTILUS, the submarine force continued to develop and put to sea the world's most advanced and capable submarines, which were vital to maintaining our national security during the Cold War;

Whereas the United States Navy, with leadership provided by Admiral Red Raborn, developed the world's first operational ballistic missile submarine, which provided an invaluable asset to our Nation's strategic nuclear deterrent capability, and contributed directly to the eventual conclusion of the Cold War; and

Whereas in 1999, the submarine force provides the United States Navy with the ability to operate around the world, independent of outside support, from the open ocean to the littorals, carrying out multimission taskings on tactical, operational, and strategic levels: Now, therefore, be it

Resolved,

(a) That the Senate—

(1) commends the past and present personnel of the submarine force of the United States Navy for their technical excellence, accomplishments, professionalism, and sacrifices; and

(B) congratulates those personnel for the 100 years of exemplary service that they have provided the United States.

(b) It is the sense of the Senate that, in the next millennium, the submarine force of the United States Navy should continue to comprise an integral part of the Navy, and to carry out missions that are key to maintaining our great Nation's freedom and security as the most superior submarine force in the world.

● Mr. WARNER. Mr. President, my colleague from the great state of Connecticut Senator DODD and I rise today to pay tribute to the Naval Submarine Force and to submit a resolution to commemorate the 100th anniversary of this outstanding institution.

In the year 2000 the United States Navy Submarine Force celebrates its one hundredth anniversary.

The Submarine Force began with the purchase of U.S.S. *Holland* on April 11, 1900. The past 100 years have witnessed the evolution of a force that mastered submersible warfare, introduced nuclear propulsion to create the true submarine, and for decades patrolled the deep ocean front line: the hottest part of an otherwise cold war.

Beginning in World War I the Submarine Force began to support national interests through offensive and defensive operations in the Atlantic. Using lessons learned from German U-boat design, the US Submarine Force developed advanced diesel submarine designs during the inter-war years. In spite of a hesitant beginning due to Pearl Harbor and difficulties with defective torpedoes, the World War II submarine force destroyed 1,314 enemy ships (5.3 million tons), which translated into 55 percent of all enemy ships lost. Out of 16,000 submariners, the force lost 375 officers and 3,131 enlisted men in fifty-two submarines, the highest casualty rate of any combatant submarine service on any side in the conflict. Seven Congressional Medals of Honor were awarded to submariners during World War II for distinguished gallantry in combat.

Mr. DODD. After World War II the Submarine Force began experimenting with high speed, sophisticated silencing techniques, sensitive sonic detection, and deeper diving designs. Admiral Hyman G. Rickover lead the effort which resulted in the world's first nuclear powered submarine, USS *Nautilus*, commissioned in 1955. The advent of nuclear propulsion resulted in the first true submarine, a vessel that was truly free to operate unrestricted below the surface of the ocean.

Continued development of advanced submarine designs lead to the most capable submarine fleet in the world. The United States Navy, led by Admiral Red Raborn, also fielded the world's first operational submarine launched ballistic missile platform in the world. This force provided invaluable support to our national security and strategic nuclear deterrence. The end of the cold war has been credited in part to the deterrent role that the strategic ballistic submarine played in our nuclear triad.

Through the 1980's and 1990's the submarine force has continued to contribute to all aspects of our country's national security strategy from Desert Storm to Yugoslavia. The sailors who have taken our submarines to sea over the years should be commended for their outstanding service and performance. Always on the cutting edge, the submarine force will help the Navy sustain the adaptability necessary to maintain our national security in and around the oceans of our world.

Mr. WARNER. Mr. President, Senator DODD and I would like to congratulate the Naval Submarine Force on its 100th anniversary and on all the accomplishments it has achieved during that time.

On a personal note, I wish to acknowledge the contributions of the Submarine Force Senior Leadership since its inception, many of whom I am proud to have known and worked closely with over the years. And for the next 100 years, may our Submarine Force run silent, run deep.

AMENDMENTS SUBMITTED ON OCTOBER 4, 1999

AIR TRANSPORTATION IMPROVEMENT ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 1891

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 82) to authorize appropriations for the Federal Aviation Administration, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Air Transportation Improvement Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Reprogramming notification requirement.
Sec. 105. Airport security program.
Sec. 106. Automated surface observation system stations.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.

Sec. 202. Innovative use of airport grant funds.
Sec. 203. Matching share.
Sec. 204. Increase in apportionment for noise compatibility planning and programs.
Sec. 205. Technical amendments.
Sec. 206. Report on efforts to implement capacity enhancements.
Sec. 207. Prioritization of discretionary projects.
Sec. 208. Public notice before grant assurance requirement waived.
Sec. 209. Definition of public aircraft.
Sec. 210. Terminal development costs.
Sec. 211. Airfield pavement conditions.
Sec. 212. Discretionary grants.
Sec. 213. Contract tower cost-sharing.

TITLE III—AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.
Sec. 302. Stage 3 noise level compliance for certain aircraft.
Sec. 303. Government and industry consortia.
Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.
Sec. 305. Foreign aviation services authority.
Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.
Sec. 307. Extension of Aviation Insurance Program.
Sec. 308. Technical corrections to civil penalty provisions.
Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 310. Nondiscriminatory interline interconnection requirements.
Sec. 311. Review process for emergency orders under section 44709.

TITLE IV—MISCELLANEOUS

Sec. 401. Oversight of FAA response to year 2000 problem.
Sec. 402. Cargo collision avoidance systems deadline.
Sec. 403. Runway safety areas; precision approach path indicators.
Sec. 404. Airplane emergency locators.
Sec. 405. Counterfeit aircraft parts.
Sec. 406. FAA may fine unruly passengers.
Sec. 407. Higher standards for handicapped access.
Sec. 408. Conveyances of United States Government land.
Sec. 409. Flight operations quality assurance rules.
Sec. 410. Wide area augmentation system.
Sec. 411. Regulation of Alaska guide pilots.
Sec. 412. Alaska rural aviation improvement.
Sec. 413. Human factors program.
Sec. 414. Independent validation of FAA costs and allocations.
Sec. 415. Application of Federal Procurement Policy Act.
Sec. 416. Report on modernization of oceanic ATC system.
Sec. 417. Report on air transportation oversight system.
Sec. 418. Recycling of EIS.
Sec. 419. Protection of employees providing air safety information.
Sec. 420. Improvements to air navigation facilities.
Sec. 421. Denial of airport access to certain air carriers.
Sec. 422. Tourism.
Sec. 423. Sense of the Senate on property taxes on public-use airports.
Sec. 424. Federal Aviation Administration Personnel Management System.
Sec. 425. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.
Sec. 427. Aircraft situational display data.
Sec. 428. Allocation of Trust Fund funding.
Sec. 429. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 430. Airline marketing disclosure.
Sec. 431. Compensation under the Death on the High Seas Act.
Sec. 432. FAA study of breathing hoods.
Sec. 433. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.
Sec. 434. Passenger facility fee letters of intent.
Sec. 435. Elimination of HAZMAT enforcement backlog.
Sec. 436. FAA evaluation of long-term capital leasing.
Sec. 437. Discriminatory practices by computer reservations system outside the United States.
Sec. 438. Prohibitions against smoking on scheduled flights.
Sec. 439. Designating current and former military airports.
Sec. 440. Rolling stock equipment.
Sec. 441. Monroe Regional Airport land conveyance.
Sec. 442. Cinncinati-Municipal Blue Ash Airport.
Sec. 443. Report on Specialty Metals Consortium.
Sec. 444. Pavement condition.
Sec. 445. Inherently low-emission airport vehicle pilot program.
Sec. 446. Conveyance of airport property to an institution of higher education in Oklahoma.
Sec. 447. Automated Surface Observation System/Automated Weather Observing System Upgrade.
Sec. 448. Terminal Automated Radar Display and Information System.
Sec. 449. Cost/benefit analysis for retrofit of 16G seats.
Sec. 450. Raleigh County, West Virginia, Memorial Airport.
Sec. 451. Airport safety needs.
Sec. 452. Flight training of international students.
Sec. 453. Grant Parish, Louisiana.

TITLE V—AVIATION COMPETITION PROMOTION

Sec. 501. Purpose.
Sec. 502. Establishment of small community aviation development program.
Sec. 503. Community-carrier air service program.
Sec. 504. Authorization of appropriations.
Sec. 505. Marketing practices.
Sec. 506. Slot exemptions for nonstop regional jet service.
Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.
Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.
Sec. 509. Consumer notification of e-ticket expiration dates.
Sec. 510. Regional air service incentive options.

TITLE VI—NATIONAL PARKS OVERFLIGHTS

Sec. 601. Findings.
Sec. 602. Air tour management plans for national parks.
Sec. 603. Advisory group.
Sec. 604. Overflight fee report.
Sec. 605. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

Sec. 701. Restatement of 49 U.S.C. 106(g).
Sec. 702. Restatement of 49 U.S.C. 44909.

TITLE VIII—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

Sec. 801. Transfer of functions, powers, and duties.
Sec. 802. Transfer of office, personnel, and funds.
Sec. 803. Amendment of title 49, United States Code.
Sec. 804. Savings provision.
Sec. 805. National ocean survey.
Sec. 806. Sale and distribution of nautical and aeronautical products by NOAA.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration $5,632,000,000 for fiscal year 1999, $5,784,000,000 for fiscal year 2000, $6,073,000,000 for fiscal year 2001, and $6,377,000,000 for fiscal year 2002. Of the amounts authorized to be appropriated for fiscal year 2000, not more than $9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

''(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

''(3) UNIVERSITY CONSORTIUM.—There are authorized to be appropriated not more than $9,100,000 for the 3 fiscal year period beginning with fiscal year 2000 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

''(A) may not be used for the construction of a building or other facility; and

''(B) shall be awarded on the basis of open competition.''.

(b) COORDINATION.—The authority granted the Secretary under section 41720 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) IN GENERAL.—Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) $2,131,000,000 for fiscal year 1999.

''(2) $2,689,000,000 for fiscal year 2000.

''(3) $2,799,000,000 for fiscal year 2001.

''(4) $2,914,000,000 for fiscal year 2002.''.

(b) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking ''fiscal years 1995 and 1996'' and inserting ''fiscal years 1999 through 2002''; and

(2) by striking ''acquisition,'' and inserting ''acquisition under new or existing contracts,''.

(c) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) EXTENSION AND AUTHORIZATION.—Section 48103 is amended by striking ''$2,050,000,000 for the period beginning October 1, 1998, and ending August 6, 1999.'' and inserting ''$2,410,000,000 for fiscal years ending before October 1, 1999, $4,885,000,000 for fiscal years ending before October 1, 2000, $7,295,000,000 for fiscal years ending before October 1, 2001, and $9,705,000,000 for fiscal years ending before October 1, 2002.''.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) is amended by striking ''August 6, 1999,'' and inserting ''September 30, 2002,''.

SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 105. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

''§ 47136. Airport security program

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative aviation security systems and related technology.

''(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

''(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

''47136. Airport security program.''.

SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

''(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

''(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term 'innovative financing technique' includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

''(1) payment of interest;

''(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

''(3) flexible non-Federal matching requirements.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

''47135. Innovative financing techniques.''.

SEC. 203. MATCHING SHARE.

Section 47109(a)(2) is amended by inserting ''not more than'' before ''90 percent''.

SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 47117(e)(1)(A) is amended by striking ''31'' each time it appears and inserting ''35''.

SEC. 205. TECHNICAL AMENDMENTS.

(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

''(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.''.

(b) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) by striking ''ALTERNATIVE'' in the subsection caption and inserting ''SUPPLEMENTAL'';

(2) in paragraph (1) by—

(A) striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''Notwithstanding''; and

(B) striking ''those airports'' and inserting ''airports in Alaska''; and

(3) striking paragraph (3) and inserting the following:

''(3) An amount apportioned under this subsection may be used for any public airport in Alaska.''.

(c) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end thereof the following:

''(e) CHANGE IN AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.''.

(e) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIRPORTS.—Section 47102(17)(B) is amended—

(1) by striking ''or'' at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or''.

(f) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking ''or reliever''.

(g) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''payment.'' in subparagraph (C) and inserting ''payment;'' and

(3) by adding at the end thereof the following:

''(D) on flights, including flight segments, between 2 or more points in Hawaii.''.

(h) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking ''transportation.'' in paragraph (2)(D) and inserting ''transportation; and''; and

(3) by adding at the end thereof the following:

''(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers enplaned on a flight to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.''.

(i) USE OF THE WORD ''GIFT'' AND PRIORITY FOR AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

(1) Section 47151 is amended—

(A) by striking ''give'' in subsection (a) and inserting ''convey to'';

(B) by striking ''gift'' in subsection (a)(2) and inserting ''conveyance'';

(C) by striking ''giving'' in subsection (b) and inserting ''conveying'';

(D) by striking ''gift'' in subsection (b) and inserting ''conveyance''; and

(E) by adding at the end thereof the following:

''(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.''.

(2) Section 47152 is amended—

(A) by striking ''**gifts**'' in the section caption and inserting ''**conveyances**''; and

(B) by striking ''gift'' in the first sentence and inserting ''conveyance''.

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

(4) Section 47153(a) is amended—

(A) by striking ''gift'' in paragraph (1) and inserting ''conveyance'';

(B) by striking ''given'' in paragraph (1)(A) and inserting ''conveyed''; and

(C) by striking ''gift'' in paragraph (1)(B) and inserting ''conveyance''.

(j) MINIMUM APPORTIONMENT.—Section 47114(c)(1)(B) is amended by adding at the end thereof the following: ''For fiscal years beginning after fiscal year 1999, the preceding sentence shall be applied by substituting '$650,000' for '$500,000'.''.

(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—

(1) Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.

(2) Section 47114(c)(2) is further amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(l) TEMPORARY AIR SERVICE INTERRUPTIONS.—Section 47114(c)(1) is amended by adding at the end thereof the following:

''(C) The Secretary may, notwithstanding subparagraph (A), apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

''(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''.

(m) FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.—Section 47114(d) is amended by adding at the end thereof the following:

''(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

''(A) safety will not be negatively affected; and

''(B) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.''.

(n) ELIGIBILITY OF RUNWAY INCURSION PREVENTION DEVICES.—

(1) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''activities''.

(2) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(A) by striking ''and'' at the end of paragraph (9); and

(B) by striking ''area.'' in paragraph (10) and inserting ''area; and''; and

(C) by adding at the end the following:

''(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.''.

(3) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3)(B)(ii) is amended by inserting ''and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end.

(o) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking ''In making'' and inserting the following:

''(1) CONSTRUCTION OF NEW RUNWAYS.—In making'';

(2) by adding at the end the following:

''(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent.''; and

(3) by aligning the remainder of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) by adding at the end thereof the following:

''(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.''.

SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) EFFECTIVE DATE.—This section applies to any request filed on or after the date of enactment of this Act.

SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.

Section 40102(a)(37)(B)(ii) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by striking the ''States.'' in subclause (II) and inserting ''States; or''; and

(3) by adding at the end thereof the following:

''(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.''.

SEC. 210. TERMINAL DEVELOPMENT COSTS.

Section 40117 is amended by adding at the end thereof the following:

''(j) SHELL OF TERMINAL BUILDING.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).''.

SEC. 211. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator of the Federal Aviation Administration shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

SEC. 212. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds

made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

SEC. 213. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

''(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower Program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the 'Contract Tower Program').

''(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

''(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

''(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a one-to-one benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

''(iii) approve for participation no more than 2 facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed $1,100,000.

''(C) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

''(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administrator has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

''(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .50.

''(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

''(iv) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

''(v) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

''(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic control tower under the pilot program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefits.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriation $6,000,000 per fiscal year to carry out this paragraph.''.

TITLE III—AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) Chapter 401 is amended by adding at the end thereof the following:

''§ 40125. Severable services contracts for periods crossing fiscal years

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

''(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

''40125. Severable services contracts for periods crossing fiscal years.''.

SEC. 302. STAGE 3 NOISE LEVEL COMPLIANCE FOR CERTAIN AIRCRAFT.

(a) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) by striking ''subsection (b)'' in subsection (a) and inserting ''subsection (b) or (f)'';

(2) by adding at the end of subsection (e) the following:

''(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order—

''(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''; and

(3) adding at the end thereof the following:

''(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

''(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a Stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

''(A) sell, lease, or use the aircraft outside the contiguous 48 States;

''(B) scrap the aircraft;

''(C) obtain modifications to the aircraft to meet Stage 3 noise levels;

''(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

''(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

''(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

''(2) PROCEDURE TO BE PUBLISHED.—The Secretary shall establish and publish, not later than 30 days after the date of enactment of the Air Transportation Improvement Act a procedure to implement paragraph (1) of this subsection through the use of categorical waivers, ferry permits, or other means.''.

(b) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) is amended by inserting ''(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)'' after ''civil subsonic turbojet''.

(2) FAR MODIFIED.—The Federal Aviation Regulations, contained in Part 14 of the Code of Federal Regulations, that implement section 47528 and related provisions shall be deemed to incorporate this change on the effective date of this Act.

SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end thereof the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 Bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

''(A) Article 12 (Rules of the Air).

''(B) Article 31 (Certificates of Airworthiness).

''(C) Article 32a (Licenses of Personnel).

''(2) The agreement under paragraph (1) may apply to—

''(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

''(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

''(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

''(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.''.

SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

Section 45301(a)(2) is amended to read as follows:

''(2) Services provided to a foreign government or to any entity obtaining services outside the United States other than—

''(A) air traffic control services; and

''(B) fees for production-certification-related service pertaining to aeronautical products manufactured outside the United States.''.

SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended—

(1) by striking ''subparagraph (C))'' in subsection (a)(1)(B) and inserting ''subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)'';

(2) by striking ''individual'' in subsection (f)(1)(B)(ii) and inserting ''individual's performance as a pilot''; and

(3) by inserting ''or from a foreign government or entity that employed the individual,'' in subsection (f)(14)(B) after ''exists,''.

SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 is amended by striking ''August 6, 1999.'' and inserting ''December 31, 2003.''.

SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) by striking ''46302, 46303, or'' in subsection (a)(1)(A);

(2) by striking ''an individual'' the first time it appears in subsection (d)(7)(A) and inserting ''a person''; and

(3) by inserting ''or the Administrator'' in subsection (g) after ''Secretary''.

SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

''(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

''(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

''(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

''(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

''(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

''(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

''(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

''(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

''(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

''(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

''46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.''.

SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§ 41717. Interline agreements for domestic transportation

''(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

''(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41717. Interline agreements for domestic transportation.''.

SEC. 311. REVIEW PROCESS FOR EMERGENCY ORDERS UNDER SECTION 44709.

Section 44709(e) is amended to read as follows:

''(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

''(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d) of this section, the order of the Administrator is stayed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

''(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may request a review by the Board, under procedures promulgated by the Board, on the issues of the appeal that are related to the existence of an emergency. Any such review shall be requested within 48 hours after the order becomes effective. If the Administrator is unable to demonstrate to the Board that an emergency exists that requires the immediate application of the order in the interest of safety in air commerce and air transportation, the order shall, notwithstanding paragraph (2), be stayed. The Board shall dispose of a review request under this paragraph within 5 days after it is filed.

''(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) within 60 days after the appeal is filed.''.

TITLE IV—MISCELLANEOUS

SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months through December 31, 2000, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo airplane with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(b) EXTENSION.—The Administrator may extend the deadline imposed by subsection (a) for not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) COLLISION AVOIDANCE EQUIPMENT.—For purposes of this section, the term ''collision avoidance equipment'' means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administrator for collision avoidance purposes.

SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

SEC. 404. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

''(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) showing compliance with regulations, exhibition, or air racing; or

''(5) the aerial application of a substance for an agricultural purpose.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft is deemed to meet the requirement of subsection (a) if it

is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 405. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end thereof the following:

''§ 44725. Denial and revocation of certificate for counterfeit parts violations

''(a) DENIAL OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

''(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

''(b) REVOCATION OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

''(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) knowingly carried out or facilitated an activity punishable under such a law.

''(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

''(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

''(1) advise the holder of the certificate of the reason for the revocation; and

''(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

''(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, 'person' shall be substituted for 'individual' each place it appears.

''(e) AQUITTAL OR REVERSAL.—

''(1) IN GENERAL.—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

''(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

''(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

''(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

''(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

''(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

''(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; and

''(2) the waiver will facilitate law enforcement efforts.

''(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

''(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

''(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

''44725. Denial and revocation of certificate for counterfeit parts violations''.

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end thereof the following:

''(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART DEALERS.—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.''.

SEC. 406. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 (as amended by section 309) is amended by adding at the end thereof the following:

''§ 46318. Interference with cabin or flight crew

''(a) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

''(b) COMPROMISE AND SETOFF.—

''(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

''(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.''.

(b) CONFORMING CHANGE.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

''46318. Interference with cabin or flight crew.''.

SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.

(a) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) INVESTIGATION OF ALL COMPLAINTS REQUIRED.—Section 41705 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In providing'';

(2) by striking ''carrier'' and inserting ''carrier, including any foreign air carrier doing business in the United States,''; and

(3) by adding at the end thereof the following:

''(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Each separate act of discrimination prohibited by subsection (a) constitutes a separate violation of that subsection.

''(c) INVESTIGATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Secretary or a person designated by the Secretary shall investigate each complaint of a violation of subsection (a).

''(2) PUBLICATION OF DATA.—The Secretary or a person designated by the Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

''(3) EMPLOYMENT.—The Secretary is authorized to employ personnel necessary to enforce this section.

''(4) REVIEW AND REPORT.—The Secretary or a person designated by the Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability, and report annually to Congress on the results of such review.

''(5) TECHNICAL ASSISTANCE.—Not later than 180 days after enactment of the Air Transportation and Improvement Act, the Secretary shall—

''(A) implement a plan, in consultation with the Department of Justice, United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

''(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or duties under this section.''.

(c) INCREASED CIVIL PENALTIES.—Section 46301(a) is amended—

(1) by inserting ''41705,'' after ''41704,'' in paragraph (1)(A); and

(2) by adding at the end thereof the following:

''(7) VIOLATION OF SECTION 41705.—

''(A) CREDIT; VOUCHER; CIVIL PENALTY.—Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of—

''(i) not less than $500 and not more than $2,500 for the first violation; or

''(ii) not less than $2,500 and not more than $5,000 for any subsequent violation,

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

''(B) REMEDY NOT EXCLUSIVE.—Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or

to limit claims for compensatory or punitive damages asserted in such cases.

''(C) ATTORNEY'S FEES.—In addition to the penalty provided by subparagraph (A), an individual who—

''(i) brings a civil action against an air carrier to enforce this section; and

''(ii) who is awarded damages by the court in which the action is brought,

may be awarded reasonable attorneys' fees and costs of litigation reasonably incurred in bringing the action if the court deems it appropriate.''.

SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

(a) IN GENERAL.—Section 47125(a) is amended to read as follows:

''(a) CONVEYANCES TO PUBLIC AGENCIES.—

''(1) REQUEST FOR CONVEYANCE.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

''(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

''(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

''(2) RESPONSE TO REQUEST FOR CERTAIN CONVEYANCES.—Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall—

''(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(B) notify the Secretary of the decision; and

''(C) make the requested conveyance if—

''(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(ii) the Attorney General approves the conveyance; and

''(iii) the conveyance can be made without cost to the United States Government.

''(3) REVERSION.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.''.

(b) RELEASE OF CERTAIN CONDITIONS.—Section 47125 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

''(b) RELEASE OF CERTAIN CONDITIONS.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

''(1) determines that the property is no longer needed for aeronautical purposes;

''(2) determines that the property will be used solely to generate revenue for the public airport;

''(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

''(4) provides notice to the public of the requested release;

''(5) includes in the release a written justification for the release of the property; and

''(6) determines that release of the property will advance civil aviation in the United States.''.

(c) EFFECTIVE DATE.—Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) IDITAROD AREA SCHOOL DISTRICT.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.

SEC. 410. WIDE AREA AUGMENTATION SYSTEM.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administrator shall continue to develop and maintain a backup system.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS DEFINED.—For purposes of this section, the term ''WAAS'' means wide area augmentation system.

(d) FUNDING AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 411. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term ''letter of authorization'' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term ''Alaska guide pilot'' means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end thereof the following:

''(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.''.

(b) AVIATION CLOSED CIRCUIT TELEVISION.—The Administrator of the Federal Aviation Administration, in consultation with commercial and general aviation pilots, shall install closed circuit weather surveillance equipment at not fewer that 15 rural airports in Alaska and provide for the dissemination of information derived from such equipment to pilots for pre-flight planning purposes and en route purposes, including through the dissemination of such information to pilots by flight service stations. There are authorized to be appropriated $2,000,000 for the purposes of this subsection.

(c) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator of the Federal Aviation Administration and the Assistant Administrator of the National Weather Service, in

consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall develop and implement a ''mike-in-hand'' weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

(d) RURAL IFR COMPLIANCE.—There are authorized to be appropriated $4,000,000 to the Administrator for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

SEC. 413. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

''§ 44516. Human factors program

''(a) REPORT.—The Administrator of the Federal Aviation Administration shall report within 1 year after the date of enactment of the Air Transportation Improvement Act to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of the Administration's efforts to encourage the adoption and implementation of Advanced Qualification Programs for air carriers under this section.

''(b) HUMAN FACTORS TRAINING.—

''(1) AIR TRAFFIC CONTROLLERS.—The Administrator shall—

''(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

''(B) respond to the recommendations made by the National Research Council.

''(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with the aviation industry to develop specific training curricula to address critical safety problems, including problems of pilots—

''(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

''(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

''(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

''(D) in landing and approaches, including nonprecision approaches and go-around procedures.

''(c) ACCIDENT INVESTIGATIONS.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

''(d) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

''(e) ADVANCED QUALIFICATION PROGRAM DEFINED.—For purposes of this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.''.

(b) AUTOMATION AND ASSOCIATED TRAINING.—The Administrator of the Federal Aviation Administration shall complete the Administration's updating of training practices for flight deck automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

''44516. Human factors program.''.

SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) DEADLINE.—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) FUNDING.—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

SEC. 415. APPLICATION OF FEDERAL PROCUREMENT POLICY ACT.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 nt) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding subsection (b)(2), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under subsection (a) with the following modifications:

''(1) Subsections (f) and (g) shall not apply.

''(2) Within 90 days after the date of enactment of the Air Transportation Improvement Act, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

''(3) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

''(4) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration's personnel management system.''.

SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Beginning in calendar year 2000, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

SEC. 418. RECYCLING OF EIS.

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or will testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—

''(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

''(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

''(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

''(i) filing of the complaint;

''(ii) allegations contained in the complaint;

''(iii) substance of evidence supporting the complaint; and

''(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—

''(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

''(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

''(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

''(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

''(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

''(I) provides relief in accordance with this paragraph; or

''(II) denies the complaint.

''(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

''(i) take action to abate the violation;

''(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

''(iii) provide compensatory damages to the complainant.

''(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

''(4) FRIVOLOUS COMPLAINTS.—Rule 11 of the Federal Rules of Civil Procedure applies to any complaint brought under this section that the Secretary finds to be frivolous or to have been brought in bad faith.

''(5) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—

''(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

''(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

''(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

''(7) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

''(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately

causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) INVESTIGATIONS AND ENFORCEMENT.—Section 347(b)(1) of Public Law 104–50 (49 U.S.C. 106, note) is amended by striking ''protection;'' and inserting ''protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

(d) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking ''subchapter II of chapter 421,'' and inserting ''subchapter II or III of chapter 421,''.

SEC. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

Section 44502(a) is amended by adding at the end thereof the following:

''(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

''(A) the improvements primarily benefit the government;

''(B) are essential for mission accomplishment; and

''(C) the government's interest in the improvements is protected.''.

SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 47107 is amended by adding at the end thereof the following:

''(q) DENIAL OF ACCESS.—

''(1) EFFECT OF DENIAL.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

''(2) AIRPORTS TO WHICH SUBSECTION APPLIES.—An airport is described in this paragraph if it—

''(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

''(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

''(C) is located within a 35-mile radius of an airport that has—

''(i) at least 0.05 percent of the total annual boardings in the United States; and

''(ii) current gate capacity to handle the demands of a public charter operation.

''(3) AIR CARRIERS DESCRIBED.—An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

''(4) DEFINITIONS.—In this subsection:

''(A) AIR CARRIER; AIR TRANSPORTATION; AIRCRAFT; AIRPORT.—The terms 'air carrier', 'air transportation', 'aircraft', and 'airport' have the meanings given those terms in section 40102 of this title.

''(B) PUBLIC CHARTER.—The term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.''.

SEC. 422. TOURISM.

(a) FINDINGS.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of $127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of $489,000,000,000 in total expenditures.

(D) The industry generated $71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than $98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than $26,000,000,000;

(4) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by—

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) PURPOSES.—The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the ''Task Force'').

(2) DUTIES.—The Task Force shall examine—

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) CHAIRMAN.—The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) TRAVEL AND TOURISM INDUSTRY SATELLITE SYSTEM OF ACCOUNTING.—

(1) IN GENERAL.—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) FUNDING.—To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National

Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) RESTRICTIONS ON USE OF FUNDS.—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) REPORT TO CONGRESS.—Not later than March 30 of each year in which funds are made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth—

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

SEC. 423. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

SEC. 424. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following:

''(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.''.

(b) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

''(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.''.

SEC. 425. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY.—

(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning March 1, 1999, and ending on September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan;

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) REGULATIONS.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Transportation and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end-users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator of the Federal Aviation Administration—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair

work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA TO REQUEST INFORMATION FROM FOREIGN AIRCRAFT REPAIR STATIONS.—

(1) COLLECTION OF INFORMATION.—The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA TO REQUEST INFORMATION ABOUT DOMESTIC AIRCRAFT REPAIR STATIONS.—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) ANNUAL REPORT TO CONGRESS.—The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) DEFINITIONS.—Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

SEC. 427. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person that directly obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 428. ALLOCATION OF TRUST FUND FUNDING.

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term ''Airport and Airway Trust Fund'' means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(3) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term ''State dollar contribution to the Airport and Airway Trust Fund'', with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

SEC. 429. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

SEC. 430. AIRLINE MARKETING DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

SEC. 431. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The recovery''; and

(2) by adding at the end thereof the following:

''(b) COMMERCIAL AVIATION.—

''(1) IN GENERAL.—If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

''(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

''(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

SEC. 432. FAA STUDY OF BREATHING HOODS.

The Administrator shall study whether breathing hoods currently available for use by flight crews when smoke is detected are adequate and report the results of that study to the Congress within 120 days after the date of enactment of this Act.

SEC. 433. FAA STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

The Administrator of the Federal Aviation Administration shall study the need for an alternative power source for on-board flight data recorders and cockpit voice recorders and shall report the results of that study to the Congress within 120 days after the date of enactment of this Act. If, within that time, the Administrator determines, after consultation with the National Transportation Safety Board that the Board is preparing recommendations with respect to this subject matter and will issue those recommendations within a reasonable period of time, the Administrator shall report to the Congress the Administrator's comments on the Board's recommendations rather than conducting a separate study.

SEC. 434. PASSENGER FACILITY FEE LETTERS OF INTENT.

The Secretary of Transportation may not require an eligible agency (as defined in section 40117(a)(2) of title 49, United States Code), to impose a passenger facility fee (as defined in section 40117(a)(4) of that title) in order to obtain a letter of intent under section 47110 of that title.

SEC. 435. ELIMINATION OF HAZMAT ENFORCEMENT BACKLOG.

(a) FINDINGS.—The Congress makes the following findings:

(1) The transportation of hazardous materials continues to present a serious aviation safety problem which poses a potential threat to health and safety, and can result in evacuations, emergency landings, fires, injuries, and deaths.

(2) Although the Federal Aviation Administration budget for hazardous materials inspection increased $10,500,000 in fiscal year 1998, the General Accounting Office has reported that the backlog of hazardous materials enforcement cases has increased from 6 to 18 months.

(b) ELIMINATION OF HAZARDOUS MATERIALS ENFORCEMENT BACKLOG.—The Administrator of the Federal Aviation Administration shall—

(1) make the elimination of the backlog in hazardous materials enforcement cases a priority;

(2) seek to eliminate the backlog within 6 months after the date of enactment of this Act; and

(3) make every effort to ensure that inspection and enforcement of hazardous materials laws are carried out in a consistent manner among all geographic regions, and that appropriate fines and penalties are imposed in a timely manner for violations.

(c) INFORMATION REGARDING PROGRESS.—The Administrator shall provide information in oral or written form to the Committee on Commerce, Science, and Transportation, on a quarterly basis beginning 3 months after the date of enactment of this Act for a year, on plans to eliminate the backlog and enforcement activities undertaken to carry out subsection (b).

SEC. 436. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

Nothwithstanding any other provision of law to the contrary, the Administrator of the Federal Aviation Administration may establish a pilot program for fiscal years 2001 through 2004 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities. The Administrator shall establish criteria for the program. The Administrator may enter into no more than 10 leasing contracts under this section, each of which shall be for a period greater than 5 years, under which the equipment or facility operates. The contracts to be evaluated may include requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEM OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 41310 is amended by adding at the end thereof the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN COMPUTER RESERVATION SYSTEM.—The Secretary of Transportation may take any action the Secretary considers to be in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system the principal offices of which are located outside the United States, when the Secretary, on the Secretary's own initiative or in response to a complaint, decides that the activity with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system the principal offices of which are located in the United States; or

''(2) imposes an unjustifiable or unreasonable restriction on access of a computer reservations system the principal offices of which are located in the United States to a foreign market.''.

(b) CONFORMING AMENDMENTS.—Section 41310 is amended—

(1) by striking ''carrier'' in the first sentence of subsection (d)(1) and inserting ''carrier, computer reservations system firm,'';

(2) by striking ''subsection (c)'' in subsection (d)(1) and inserting ''subsection (c) or (g)'';

(3) by inserting ''or computer reservations system firm'' after ''carrier'' in subsection (d)(1)(B); and

(4) by striking ''transportation.'' in subsection (e)(1) and insert ''transportation or to which a computer reservations system firm is subject when providing services with respect to airline service.''.

SEC. 438. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Section 41706 is amended to read as follows:

''§ 41706. Prohibitions against smoking on scheduled flights

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation (referred to in this subsection as the 'Secretary') shall require all air carriers and foreign air carriers to prohibit on and after October 1, 1999, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

''(c) LIMITATION ON APPLICABILITY.—

''(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

''(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 439. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

Section 47118 is amended—

(1) by striking ''12.'' in subsection (a) and inserting ''15.''; and

(2) by striking ''5-fiscal-year periods'' in subsection (d) and inserting ''periods, each not to exceed 5 fiscal years,''.

SEC. 440. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

''§ 1168. Rolling stock equipment

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

''(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that

is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

''§ 1110. Aircraft equipment and vessels

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

''(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

''(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

SEC. 441. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation may waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the City of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 442. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

SEC. 443. REPORT ON SPECIALTY METALS CONSORTIUM.

The Administrator of the Federal Aviation Administration may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements. The Administrator shall report to the Congress within 6 months after entering into an agreement with any such consortium of such producers and manufacturers on the goals and efforts of the consortium.

SEC. 444. PAVEMENT CONDITION.

The Administrator of the Federal Aviation Administration may conduct a study on the extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways, and aprons for airports comprising the national air transportation system. If the Administrator conducts such a study, it shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

SEC. 445. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47137. Inherently low-emission airport vehicle pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

''(f) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of the Air Transportation Improvement Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(1) an evaluation of the effectiveness of the pilot program;

''(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

''(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants to the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

''(g) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

''(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that—

''(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

''(B) are labeled in accordance with section 88.312–93(c) of such title; and

''(C) are located or primarily used at public-use airports;

''(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of non-road vehicles that—

''(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

''(B) meet or exceed the standards set forth in section 86.1708–99 of title 40 of the Code of Federal Regulations, or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

''(C) are located or primarily used at public-use airports;

''(3) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

''(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47137. Inherently low-emission airport vehicle pilot program.''.

SEC. 446. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 447. AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.

Section 48101 is further amended by adding at the end the following:

''(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.''.

SEC. 448. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

The Administrator of the Federal Aviation Administration is authorized to develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for Visual Flight Rule air traffic control towers.

SEC. 449. COST/BENEFIT ANALYSIS FOR RETROFIT OF 16G SEATS.

Before the Administrator of the Federal Aviation Administration issues a final rule requiring the air carriers to retrofit existing aircraft with 16G seats, the Administrator shall conduct, in consultation with the Inspector General of the Department of Transportation, a comprehensive analysis of the costs and benefits that would be associated with the issuance of such a final rule.

SEC. 450. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

The Secretary of Transportation may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to be released—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

SEC. 451. AIRPORT SAFETY NEEDS.

(a) IN GENERAL.—The Administrator shall conduct a study reviewing current and future airport safety needs that—

(1) focuses specifically on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) gives particular consideration to the need for different requirements for airports that are related to the size of the airport and the size of the community immediately surrounding the airport.

(b) REPORT TRANSMITTED TO CONGRESS; DEADLINE.—The Administrator shall transmit a report containing the Administrator's findings and recommendations to the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation and the Aviation Subcommittee of the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act.

(c) COST/BENEFIT ANALYSIS OF PROPOSED CHANGES.—If the Administrator recommends, on the basis of a study conducted under subsection (a), that part 139 of title 14, Code of Federal Regulations, should be revised to meet current and future airport safety needs, the Administrator shall include a cost-benefit analysis of any recommended changes in the report.

SEC. 452. FLIGHT TRAINING OF INTERNATIONAL STUDENTS.

The Federal Aviation Administration shall implement a bilateral aviation safety agreement for conversion of flight crew licenses between the government of the United States and the Joint Aviation Authority member governments.

SEC. 453. GRANT PARISH, LOUISIANA.

IN GENERAL.—The United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled ''Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana'', dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) MINERAL RIGHTS.—Nothing in subsection (a) affects the ownership or disposition of oil, gas, or other mineral resources associated with land described in subsection (a).

TITLE V—AVIATION COMPETITION PROMOTION

SEC. 501. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development program to be administered by a program director designated by the Secretary.

''(2) FUNCTIONS.—The program director shall—

''(A) function as a facilitator between small communities and air carriers;

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

''(D) ensure that the Bureau of Transportation Statistics collects data on passenger

information to assess the service needs of small communities;

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

''(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

''§ 41743. Air service program for small communities

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

''(1) will promote the development of a national air transportation system; and

''(2) will involve the participation of communities in all regions of the country.

''(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds authorized under section 504 of the Air Transportation Improvement Act to carry out this section;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) take such other action under this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The program director may not obligate more than $80,000,000 of the amounts authorized under 504 of the Air Transportation Improvement Act over the 4 years of the program.

''(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

''(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

''§ 41744. Pilot program project authority

''(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better air service link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

''(1) out of amounts authorized under section 504 of the Air Transportation Improvement Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) collecting data on air carrier service to small communities; and

''(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

''(d) ADDITIONAL ACTION.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

''§ 41745. Assistance to communities for service

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

''(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Air Transportation Improvement Act.

''§ 41746. Additional authority

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title V of the Air Transportation Improvement Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities.
''41744. Pilot program project authority.
''41745. Assistance to communities for service.
''41746. Additional authority.''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $80,000,000 to carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000.

SEC. 505. MARKETING PRACTICES.

Section 41712 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) by adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Transportation Improvement Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary may promulgate regulations that address the problem, or take other appropriate action. Nothing in this section expands the authority or jurisdiction of the Secretary to promulgate regulations under the Federal Aviation Act or under any other Act.''.

SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 310, is amended by adding at the end thereof the following:

''§ 41718. Slot exemptions for nonstop regional jet service

''(a) IN GENERAL.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between—

''(1) an airport with fewer than 2,000,000 annual enplanements; and

''(2) a high density airport subject to the exemption authority under section 41714(a),

the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

''(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

''(c) CONDITIONS.—The Secretary may grant an exemption to an air carrier under subsection (a)—

''(1) for a period of not less than 12 months;

''(2) for a minimum of 2 daily roundtrip flights; and

''(3) for a maximum of 3 daily roundtrip flights.

''(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM HUB AIRPORT; JET AIRCRAFT.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

''(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

''(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

''(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

''(B) the air carrier can demonstrate unmitigatable losses.

''(e) FOREFEITURE FOR MISUSE.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

''(f) PRIORITY TO NEW ENTRANTS AND LIMITED INCUMBENT CARRIERS.—

''(1) IN GENERAL.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

''(2) LIMITATION.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

''(3) AFFILIATED CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

''(g) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(h) REGIONAL JET DEFINED.—In this section, the term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

''(28A) LIMITED INCUMBENT AIR CARRIER.—The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.''.

(2) The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41718. Slot exemptions for nonstop regional jet service.''.

SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 506, is amended by adding at the end thereof the following:

''§ 41719. Special Rules for Ronald Reagan Washington National Airport

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition by new entrant air carriers or in multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

''(4) not result in meaningfully increased travel delays.

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000

annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 3 operations.''.

''(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

''(A) will result in 24 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

''(B) will result in 12 additional daily commuter slot exemptions at such airport; and

''(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that has 2,000,000 or fewer annual enplanements.

''(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

''(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

''(d) ADDITIONAL WITHIN-PERIMETER SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—The Secretary shall by order grant 12 slot exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for flights to airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this subsection in a manner consistent with the promotion of air transportation.''.

(b) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

''(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.''.

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

''(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title V of the Air Transportation Improvement Act and the amendments made by that title.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (e).

(2) The chapter analysis for subchapter I of chapter 417, as amended by section 506(b) of this Act, is amended by adding at the end thereof the following:

''41719. Special Rules for Ronald Reagan Washington National Airport.''.

(f) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 507, is amended by adding at the end thereof the following:

''§ 41720. Special Rules for Chicago O'Hare International Airport

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(b) STUDIES.—

(1) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41720(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT STUDY IN 2000.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by section 507(b) of this Act, is amended by adding at the end thereof the following:

''41720. Special Rules for Chicago O'Hare International Airport.''.

SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712, as amended by section 505 of this Act, is amended by adding at the end thereof the following:

''(d) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier utilizing electronically transmitted tickets to fail to notify the purchaser of such a ticket of its expiration date, if any.''.

SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.

(a) PURPOSE.—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) STUDY.—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a

review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competitive implications of such a program; and

(7) the cost of such a program.

(c) REPORT.—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

TITLE VI—NATIONAL PARKS OVERFLIGHTS

SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

"§ 40126. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any effective air tour management plan for that park or those tribal lands.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the company or pilots;

''(ii) any quiet aircraft technology proposed for use;

''(iii) the experience in commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the company;

''(v) any training programs for pilots; and

''(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

''(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

''(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

''(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

''(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Air Transportation Improvement Act, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT OF ATMPS.—

''(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may prohibit commercial air tour operations in whole or in part;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

''(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

''(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

''(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

''(4) PROCEDURE.—In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall—

''(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

''(5) AMENDMENTS.—Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Air Transportation Improvement Act; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

''(F) shall—

''(i) promote protection of national park resources, visitor experiences, and tribal lands;

''(ii) promote safe operations of the commercial air tour;

''(iii) promote the adoption of quiet technology, as appropriate; and

''(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(3) NEW ENTRANT AIR TOUR OPERATORS.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

''(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

''(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Air Transportation Improvement Act.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR.—The term 'commercial air tour' means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

''(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(B) whether a narrative was provided that referred to areas or points of interest on the surface;

''(C) the area of operation;

''(D) the frequency of flights;

''(E) the route of flight;

''(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

''(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

''(2) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour.

''(3) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Air Transportation Improvement Act.

''(4) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

''(5) COMMERCIAL AIR TOUR OPERATIONS.—The term 'commercial air tour operations' means commercial air tour flight operations conducted—

''(A) over a national park or within ½ mile outside the boundary of any national park;

''(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

''(C) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(6) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(7) TRIBAL LANDS.—The term 'tribal lands' means 'Indian country', as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

''(8) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(9) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) EXEMPTIONS AND SPECIAL RULES.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) LAKE MEAD.—A commercial air tour of the Grand Canyon that transits over or near the Lake Mead National Recreation Area en route to, or returning from, the Grand Canyon, without offering a deviation in flight path between its point of origin and the Grand Canyon, shall be considered, for purposes of paragraph (1), to be exclusively a commercial air tour of the Grand Canyon.

(3) ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

(4) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100–91 (16 U.S.C. 1a–1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

''40126. Overflights of national parks.''.

SEC. 603. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator and the Director shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group

or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

SEC. 604. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).

(a) IN GENERAL.—Section 106(g) is amended by striking ''40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304,'' and inserting ''40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

TITLE VIII—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 801. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator of the Federal Aviation Administration the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

SEC. 802. TRANSFER OF OFFICE, PERSONNEL AND FUNDS.

(a) Effective October 1, 2000 the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) Effective October 1, 2000 the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this Act, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this Act transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this Act.

SEC. 803. AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 44721 is amended to read as follows:

''§ 44721. Aeronautical charts and related products and services

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration is invested with and shall exercise, effective October 1, 2000 the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

''(1) Sections 1 through 9 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, (33 U.S.C. 883a-883h).

''(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

''(3) Section 1307 of title 44, United States Code.

''(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 nt).

''(b) AUTHORITY TO CONDUCT SURVEYS.—To provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, and to provide basic data for engineering and scientific purposes and for other commercial and industrial needs, the Administrator is authorized to conduct the following activities:

''(1) Aerial and field surveys for aeronautical charts.

''(2) Other airborne and field surveys when in the best interest of the United States Government.

''(3) Acquiring, owning, operating, maintaining and staffing aircraft in support of surveys.

''(c) ADDITIONAL AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator is authorized to conduct the following activities:

''(1) Developing, processing, disseminating and publishing of digital and analog data, information, compilations, and reports.

''(2) Compiling, printing, and disseminating aeronautical charts and related products and services of the United States, its Territories, and possessions.

''(3) Compiling, printing and disseminating aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation.

''(4) Compiling, printing and disseminating non-aeronautical navigational, transportation or public-safety-related products and services when in the best interests of the United States Government.

''(d) CONTRACT, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

''(1) The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

''(2) The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

''(e) SPECIAL SERVICES AND PRODUCTS.—

''(1) The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

''(2) The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the United States Government by furthering public safety.

''(f) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

''(1) Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

''(A) Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

''(B) The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

''(C) A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

''(2) The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

''(3) The Administrator may distribute aeronautical products and provide aeronautical services—

''(A) without charge to each foreign government or international organization with which the Administrator or a Federal agency

has an agreement for exchange of these products or services without cost;

''(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

''(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

''(4) The fees provided for in this subsection are for the purpose of reimbursing the United States Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.''.

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 447 is amended by adding at the end thereof the following:

''44721. Aeronautical charts and related products and services.''.

SEC. 804. SAVINGS PROVISION.

(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the National Oceanic and Atmospheric Administration (NOAA) Administrator, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(2) are in effect on the date of transfer, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the NOAA Administrator, or any officer thereof with respect to functions transferred by this Act; but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Commerce, the NOAA Administrator, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this Act.

(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this Act, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function or office transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer thereof in the official's capacity, is a party to an action, and under this Act any function relating to the action of such Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this Act on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.

SEC. 805. NATIONAL OCEAN SURVEY.

(a) Section 1 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, (33 U.S.C. 883a) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) Hydrographic, topographic and other types of field surveys;''; and

(2) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) Section 2 of that Act (33 U.S.C. 883b) is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraph (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking ''charts of the United States, its Territories, and possessions;'' in paragraph (3), as redesignated, and inserting ''charts;''; and

(3) by striking ''publications for the United States, its Territories, and possessions'' in paragraph (4), as redesignated, and inserting ''publications.''.

(c) Section 5(1) of that Act (33 U.S.C. 883e(1)) is amended by striking ''cooperative agreements'' and inserting ''cooperative agreements, or any other agreements,''.

SEC. 806. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) Section 1307 of title 44, United States Code, is amended by striking ''and aeronautical'' and ''or aeronautical'' each place they appear.

(b) Section 1307(a)(2)(B) of title 44, United States Code, is amended by striking ''aviation and''.

(c) Section 1307(d) of title 44, United States Code, is amended by striking ''aeronautical and''.

AMENDMENTS SUBMITTED ON OCTOBER 5, 1999

AIR TRANSPORTATION IMPROVEMENT ACT

REED AMENDMENT NO. 1905

(Ordered to lie on the table)

Mr. REED submitted an amendment intended to be proposed by him to the bill (S. 82) to authorize appropriations for Federal Aviation Administration, and for other purposes; as follows:

At the end of title III of the Manager's substitute amendment, add the following:

SEC. 312. PROHIBITION ON OPERATING CERTAIN AIRCRAFT NOT COMPLYING WITH STAGE 4 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 of title 49, United States Code, is amended—

(1) by redesignating section 47529 as section 47529A; and

(2) by inserting after section 47528 the following:

''§ 47529. Limitation on operating certain aircraft not complying with stage 4 noise levels

''(a) REGULATIONS.—Not later than December 31, 2003, the Secretary of Transportation, in consultation with the International Civil Aviation Organization, shall issue regulations to establish minimum standards for civil turbojets to comply with stage 4 noise levels.

''(b) GENERAL RULE.—The Secretary shall issue regulations to ensure that, except as provided in section 47530—

''(1) 50 percent of the civil turbojets with a maximum weight of more than 75,000 pounds operating after December 31, 2008, to or from airports in the United States comply with the stage 4 noise levels established under subsection (a); and

''(2) 100 percent of such turbojets operating after December 31, 2013, to or from airports in the United States comply with the stage 4 noise levels.

''(c) PRIORITY FOR HIGH DENSITY AIRPORTS.—The Secretary shall issue regulations to ensure that air carriers, in purchasing and using civil turbojets that comply with stage 4 noise levels, give priority to using such turbojets to provide air transportation to or from high density airports (as such term is defined under section 41714 on January 1, 1999).

''(d) ANNUAL REPORT.—Beginning with calendar year 2004—

''(1) each air carrier shall submit to the Secretary an annual report on the progress the carrier is making toward complying with the requirements of this section and regulations issued to carry out this section; and

''(2) the Secretary shall submit to Congress an annual report on the progress being made toward that compliance.

''(e) CIVIL TURBOJET DEFINED.—In the section, the term 'civil turbojet' means a civil aircraft that is a turbojet.''.

(b) CHAPTER ANALYSIS AMENDMENT.—The analysis for such chapter is amended by striking the item relating to section 47529 and inserting the following:

''47529. Limitation on operating certain aircraft not complying with stage 4 noise levels.
''47529A. Nonaddition rule.''.

(c) NONADDITION RULE.—Section 47529A of such title (as redesignated by subsection (a)(1)) is amended—

(1) in subsection (a)—

(A) by striking ''subsonic'';

(B) by striking ''November 4, 1990'' and inserting ''December 31, 2004'';

(C) by striking ''stage 3'' and inserting ''stage 4''; and

(D) by striking ''November 5, 1990'' and inserting ''January 1, 2005'';

(2) in subsection (b), by striking ''stage 3'' and inserting ''stage 4''; and

(3) in subsection (c)(1), by striking ''November 5, 1990'' and inserting ''January 1, 2005''

(d) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in the chapter analysis by striking ''and 47529'' in the item relating to section 47530 and inserting '', 47529, and 47529A'';

(2) in section 47530—

(A) by striking ''and 47529'' and inserting '', 47529, and 47529A'';

(B) by striking ''subsonic''; and

(C) by striking ''November 4, 1990'' and inserting ''December 31, 2004''; and

(3) in section 47531, by inserting ''47529A,'' after ''47529,''.

(e) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (c), (d)(2)(B), and (d)(2)(C) shall take effect on December 31, 2004.

● Mr. REED. Mr. President, I rise today to propose an amendment to the Federal Aviation Administration (FAA) Reauthorization bill because our nation has experienced an explosion in air travel this past decade. Air transportation is now as much a means of mass transit as automobiles and trains. Indeed, our economic good fortune and increased competition from air carriers has led to a buyer's market for passengers looking for affordable fares to countless destinations. While we are all amazed by the dramatic growth in the airline industry, we must also consider the ramifications that increased flights and aircraft noise have on the communities surrounding airport facilities.

In my home state of Rhode Island, T.F. Green State Airport, our state's only major airport, has experienced tremendous expansion over the past several years. With more than 4 million passengers flying into and out of Rhode Island each year, representing a 100 percent increase over three years ago, the number of take offs and landings has likewise climbed. This has led to intolerable noise pollution for the airport's neighbors. Of course, this problem is not isolated to Rhode Island. In fact, cities and towns across the country are dealing with similar growing pains. While T.F. Green and numerous airport authorities in our nation are taking steps to insulate homes and other structures from the effects of aircraft noise, the problem cannot be eliminated entirely. And, we must not forget that there is only so much we can do on the ground to reduce noise. We must also deal with noise at its point of origin by researching and developing quieter jet engine technology.

On December 31 of this year, the FAA will require that all civil aircraft comply with Stage 3 noise regulations. This requires that jet engines emit less noise through hushkit adaptations on older, noisier engines, or that air carriers invest in new and quieter Stage 3 compliant engines. While this is a big step in the right direction, the deadline for compliance with Stage 3 must not end progress toward quieter jet engines, but mark the beginning of Stage 4 research.

Currently, the FAA is working in cooperation and consultation with the International Civil Aviation Organization (ICAO) to define Stage 4 noise levels and reach an agreement with ICAO member states on a plan for implementation of Stage 4 regulations. While this research is in its preliminary stages, our nation's aviation infrastructure must be ready to adopt Stage 4 rules to ensure quieter communities in which residents can enjoy their open spaces and where learning at schools is not interrupted every several minutes to defer to the roar of passing planes.

Mr. President, my amendment would direct the Secretary of Transportation to report to Congress no later than December 31, 2002 the findings of a study on aircraft noise problems in the United States, the status of negotiations between the FAA and ICAO on Stage 4 noise levels, and the feasibility of proceeding with development and implementation of a timetable for air carrier compliance with Stage 4 noise requirements.

This amendment will ensure that both airport authorities and air carriers are aware of developments regarding Stage 4 activities, and that we move in an expeditious and deliberate manner to maintain the momentum we have gained toward making quieter both jet engines and the communities over which they fly.●

VOINOVICH AMENDMENT 1906

Mr. MCCAIN (for Mr. VOINOVICH) proposed an amendment to the bill, S. 82, supra; as follows:

Strike section 437.

COLLINS (AND OTHERS) AMENDMENT NO. 1907

Ms. COLLINS (for herself, Mr. BURNS, Mr. BAUCUS, Mr. ROBB, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. HARKIN, Mr. ENZI, Mr. GRASSLEY, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following new section:

SEC. ___01. AIRLINE DEREGULATION STUDY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, 3 upon the recommendation of the Majority Leader, and 2 upon the recommendation of the Minority Leader of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, 3 upon the Speaker's own initiative, and 2 upon the recommendation of the Minority Leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms 'air carrier' and 'air transportation' have the meanings given those terms in section 40102(a).

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission shall consult with the Comptroller General of the United States and may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $950,000 for fiscal year 2000 to the Commission to carry out this section.

(2) AVAILABILITY.—Any sums appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

MCCAIN AMENDMENT NO. 1908

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 1892 proposed by Mr. GORTON to the bill, S. 82, supra; as follows:

On page 4, strike lines 1 through 8, and insert the following:

''(k) AFFILIATED CARRIERS.—An air carrier that is affiliated with a commuter air carrier, regardless of the form of the corporate relationship between them, shall not be treated as a new entrant or a limited incumbent for purposes of this section, section 41717, 41718, or 41719.''.

MCCAIN AMENDMENT NO. 1909

Mr. MCCAIN proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following:

TITLE —FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 01. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(6) $240,000,000 for fiscal year 2000;

''(7) $250,000,000 for fiscal year 2001; and

''(8) $260,000,000 for fiscal year 2002;''.

SEC. 02. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new clause:

''(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.''; and

(2) in paragraph (3), by inserting ''The report shall be prepared in accordance with requirements of section 1116 of title 31, United States Code.'' after ''effect for the prior fiscal year.''.

(b) REQUIREMENT.—Not later than March 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

SEC. 03. INTERNET AVAILABILITY OF INFORMATION.

The Administrator of the Federal Aviation Administration shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 04. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of title 49, United States Code, is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

SEC. 05. POST FREE FLIGHT PHASE I ACTIVITIES.

No later than May 1, 2000, the Administrator of the Federal Aviation Administration shall tranmsit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

SEC. 06. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator of the Federal Aviation Administration shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield payment research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 07. SENSE OF SENATE REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of the Senate that with the World Radio Communication Conference scheduled to begin in May, 2000, and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

SEC. 08. STUDY.

The Secretary shall conduct a study to evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transmit Research Program to the research needs of airports.

ROBB (AND OTHERS) AMENDMENT NO. 1910

Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 82, supra; as follows:

Beginning on page 153, strike line 1 and all that follows through line 21 on page 159.

FEINSTEIN AMENDMENT 1911

Mr. MCCAIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. STUDY OF OUTDOOR AIR, VENTILATION, AND RECIRCULATION AIR REQUIREMENTS FOR PASSENGER CABINS IN COMMERCIAL AIRCRAFT.

(a) DEFINITIONS.—In this section, the terms ''air carrier'' and ''aircraft'' have the meanings given those terms in section 40102 of title 49, United States Code.

(b) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ''Secretary'') shall conduct a study of sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air supply. To carry out this paragraph, the Secretary may enter into an agreement with the Director of the National Academy of Sciences for the National Research Council to conduct the study.

(c) AVAILABILITY OF INFORMATION.—Upon completion of the study under this section in one year's time, the Administrator of the Federal Aviation Administration shall make available the results of the study to air carriers through the Aviation Consumer Protection Division of the Office of the General Counsel for the Department of Transportation.

TORRICELLI AMENDMENTS NOS. 1912–1913

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to the bill, S. 82, supra; as follows:

AMENDMENT NO. 1912

At the appropriate place, insert the following new title:

TITLE ____—AIRSPACE REDESIGN

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Airspace Redesign Enhancement Act of 1999''.

SEC. ___02. EXPEDITED REDESIGN OF CERTAIN AIRSPACE.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but not later than 2 years after that date, the Administrator of the Federal Aviation Administration shall, as part of the national airspace redesign activities of the Federal Aviation Administration, redesign the airspace over the New Jersey and New York metropolitan area.

(b) COMPUTER MODELS.—At the same time as the Administrator of the Federal Aviation Administration carries out the activities under subsection (a), the Administrator shall develop and implement computer models that provide for a variety of departure and arrival profiles for aircraft in the New Jersey and New York metropolitan area, including profiles for—

(1) higher altitudes;

(2) unrestricted climbs; and

(3) ocean routing.

SEC. ___03. AUTHORIZATION OF APPROPRIATIONS.

To carry out section ___02, there shall be available to the Administrator of the Federal Aviation Administration out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986, $6,000,000 for each of fiscal years 2000 and 2001.

AMENDMENT NO. 1913

At the end of title IV of the Manager's substitute amendment, add the following:

SEC. 454. SENSE OF CONGRESS REGARDING CONSIDERATION OF OCEAN ROUTING PROCEDURES IN THE REDESIGN THE EASTERN REGION AIRSPACE.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should ensure that—

(1) ocean routing procedures are considered in the efforts to redesign the Eastern Region Airspace that ongoing as of the date of the enactment of this Act; and

(2) community groups are involved in the redesign process to the maximum extent practicable.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1914

Mr. McCAIN (for Mr. TORRICELLI (for himself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, and Mr. REED)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4___. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(b) AREAS OF STUDY.—The study shall examine—

(1) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(2) the threshold of noise at which health impacts are felt;

(3) the effectiveness of noise abatement programs at airports around the United States; and

(4) the impacts of aircraft noise on students and educators in schools.

(c) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

TORRICELLI AMENDMENTS NOS. 1915–1919

(Ordered to lie on the table.)

Mr. TORRICELLI submitted five amendments intended to be proposed by him to the bill, S. 82, supra; as follows:

Amendment No. 1915

On page 8, between lines 12 and 13, insert the following:

(c) DEMONSTRATION PROJECT.—

(1) COVERED LOCAL GOVERNMENT.—In this subsection, the term ''covered local government'' means a local government that—

(A) is not an airport operator (as that term is defined in section 150.7 of title 14, Code of Federal Regulations); and

(B) has jurisdiction in the vicinity of Newark International Airport.

(2) DEMONSTRATION PROJECT.—The Secretary of Transportation (referred to in this subsection as the ''Secretary'') shall carry out a demonstration project to provide grants to covered local governments to carry out noise abatement activities (including soundproofing buildings) to mitigate noise attributable to an airport.

(3) GRANTS.—

(A) IN GENERAL.—Under the demonstration project under this subsection, the Secretary shall, subject to the availability of funds, award a grant to each local government that submits an application that is satisfactory to the Secretary to carry out a noise abatement activity referred to in paragraph (2).

(B) APPLICATION REQUIREMENTS.—Each application submitted to the Secretary under this paragraph shall contain documentation (in a manner and form that is satisfactory to the Secretary) that demonstrates—

(i) adverse effects caused by noise resulting from a large number of single-event flights (particularly single-event flights that occur between 10:00 P.M. and 7:00 A.M.); and

(ii) complaints by residents of the geographic area with respect to which the local government has jurisdiction concerning the noise described in clause (i).

(4) FUNDING.—Notwithstanding any other provision of law, to fund the demonstration project under this subsection, the Secretary shall use a portion of the amounts made available to the Secretary for noise compatibility planning and noise compatibility programs under section 48103 of title 49, United States Code, that would otherwise be used to carry out section 47504(c) or 47505(a)(2) of that title.

AMENDMENT NO. 1916

At the appropriate place in title IV, insert the following:

SEC. 4___. REPORTING OF TOXIC CHEMICAL RELEASES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate regulations requiring each airport that regularly serves commercial or military jet aircraft to report, under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (42 U.S.C. 13106), releases and other waste management activities associated with the manufacturing, processing, or other use of toxic chemicals listed under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023), including toxic chemicals manufactured, processed, or otherwise used—

(1) during operation and maintenance of aircraft and other motor vehicles at the airport; and

(2) in the course of other airport and airline activities.

(b) TREATMENT AS A FACILITY.—For the purpose of subsection (a), an airport shall be considered to be a facility as defined in section 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049).

(c) FUNDING.—The Administrator of the Environmental Protection Agency shall carry out this section using existing funds available to the Administrator.

AMENDMENT NO. 1917

At the appropriate place in title IV, insert the following:

SEC. 4___. RIGHT TO KNOW ABOUT AIRPORT POLLUTION.

(a) FINDINGS.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into waters;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and thereby reduce the overall pollution in that area.

(b) PURPOSE.—The purpose of this section is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term ''airport bubble'' means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

(d) STUDY OF USING AIRPORT BUBBLES.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(2) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(A) the Administrator of the Federal Aviation Administration (or a designee);

(B) the Secretary of Defense (or a designee);

(C) the Secretary of Transportation (or a designee);

(D) a representative of air quality districts;

(E) a representative of environmental research groups;

(F) a representative of State Audubon Societies;

(G) a representative of the Sierra Club;

(H) a representative of the Nature Conservancy;

(I) a representative of port authorities of States;

(J) an airport manager;

(K) a representative of commanding officers of military air bases and stations;

(L) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(M) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(N) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(O) a representative of the Air Transport Association;

(P) a representative of the Airports Council International–North America;

(Q) a representative of environmental specialists from airport authorities; and

(R) a representative from an aviation union representing ground crews.

(3) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(A) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(i) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(ii) buses, taxis, and limousines that serve airports;

(B) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(C) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(D) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(E) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(F) propose boundaries of the areas to be included within airport bubbles;

(G) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(H) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(I) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(J) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(K) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(e) STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.—

(1) IN GENERAL.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the reports under subsections (d) and (e) are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out subsections (d) and (e).

(g) FUNDING.—The Administrator shall carry out this section using existing funds available to the Administrator.

AMENDMENT NO. 1918

At the appropriate place in title IV, insert the following:

SEC. 4___. RIGHT TO KNOW ABOUT AIRPORT POLLUTION.

(a) FINDINGS.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into waters;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and

thereby reduce the overall pollution in that area.

(b) PURPOSE.—The purpose of this section is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term ''airport bubble'' means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

(d) STUDY OF USING AIRPORT BUBBLES.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(2) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(A) the Administrator of the Federal Aviation Administration (or a designee);

(B) the Secretary of Defense (or a designee);

(C) the Secretary of Transportation (or a designee);

(D) a representative of air quality districts;

(E) a representative of environmental research groups;

(F) a representative of State Audubon Societies;

(G) a representative of the Sierra Club;

(H) a representative of the Nature Conservancy;

(I) a representative of port authorities of States;

(J) an airport manager;

(K) a representative of commanding officers of military air bases and stations;

(L) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(M) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(N) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(O) a representative of the Air Transport Association;

(P) a representative of the Airports Council International–North America;

(Q) a representative of environmental specialists from airport authorities; and

(R) a representative from an aviation union representing ground crews.

(3) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(A) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(i) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(ii) buses, taxis, and limousines that serve airports;

(B) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(C) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(D) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(E) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(F) propose boundaries of the areas to be included within airport bubbles;

(G) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(H) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(I) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(J) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(K) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(e) STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.—

(1) IN GENERAL.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the reports under subsections (d) and (e) are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out subsections (d) and (e).

(g) STUDY ON AIRPORT NOISE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(2) AREAS OF STUDY.—The study shall examine—

(A) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(B) the threshold of noise at which health impacts are felt; and

(C) the effectiveness of noise abatement programs at airports around the United States.

(3) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

(h) FUNDING.—The Administrator shall carry out this section using existing funds available to the Administrator.

AMENDMENT NO. 1919

At the appropriate place in title IV, insert the following:

SEC. 4___. QUIET COMMUNITIES.

(a) FINDINGS.—Congress finds that—

(1)(A) for too many citizens of the United States, noise from aircraft, vehicular traffic, and a variety of other sources is a constant source of torment; and

(B) nearly 20,000,000 citizens of the United States are exposed to noise levels that can lead to psychological and physiological damage, and another 40,000,000 people are exposed to noise levels that cause sleep or work disruption;

(2)(A) chronic exposure to noise has been linked to increased risk of cardiovascular problems, strokes, and nervous disorders; and

(B) excessive noise causes sleep deprivation and task interruptions, which pose untold costs on society in diminished worker productivity;

(3)(A) to carry out the Clean Air Act (42 U.S.C. 7401 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), and section 8 of the Quiet Communities Act of 1978 (92 Stat. 3084), the Administrator of the Environmental Protection Agency established an Office of Noise Abatement and Control;

(B) the responsibilities of the Office of Noise Abatement and Control included promulgating noise emission standards, requiring product labeling, facilitating the development of low emission products, coordinating Federal noise reduction programs, assisting State and local abatement efforts, and promoting noise education and research; and

(C) funding for the Office of Noise Abatement and Control was terminated in 1982, and no funds have been provided since;

(4) because of the lack of funding for the Office of Noise Abatement and Control, and because the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.) prohibits State and local governments from regulating noise sources in many situations, noise abatement programs across the United States lie dormant;

(5) as the population grows and air and vehicle traffic continues to increase, noise pollution is likely to become an even greater problem in the future; and

(6) the health and welfare of the citizens of the United States demands that the Environmental Protection Agency once again assume a role in combating noise pollution.

(b) TRANSFER OF NOISE ABATEMENT DUTIES.—Section 402 of the Noise Pollution and Abatement Act of 1970 (42 U.S.C. 7641) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (G) as clauses (i) through (vii) and indenting appropriately; and

(B) by striking ''(a) The Administrator'' and all that follows through ''(2) determine—'' and inserting the following:

''(a) DUTIES RELATING TO NOISE ABATEMENT AND CONTROL.—The Administrator shall assign to the Office of Air and Radiation the duties—

''(1) to coordinate Federal noise abatement activities;

''(2) to update or develop noise standards;

''(3) to provide technical assistance to local communities;

''(4) to promote research and education on the impacts of noise pollution; and

''(5) to carry out a complete investigation and study of noise and its effect on the public health and welfare in order to—

''(A) identify and classify causes and sources of noise; and

''(B) determine—''; and

(2) by adding at the end the following:

''(d) EMPHASIZED APPROACHES.—In carrying out paragraphs (1) through (4) of subsection (a), the Administrator shall emphasize noise abatement approaches that rely on State and local activity, market incentives, and coordination with other public and private agencies.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 403 of the Noise Pollution and Abatement Act of 1970 (42 U.S.C. 7642) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There is''; and

(2) by adding at the end the following:

''(b) ADDITIONAL AMOUNTS.—In addition to amounts made available under subsection (a), there are authorized to be appropriated to carry out this title—

''(1) $5,000,000 for each of fiscal years 2000, 2001, and 2002; and

''(2) $8,000,000 for each of fiscal years 2003 and 2004.''.

(d) CONFORMING AMENDMENTS.—Section 7(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4364(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) the Office of Air and Radiation, for air quality and noise abatement activities;'';

(2) in paragraph (5), by inserting ''and'' at the end;

(3) in paragraph (6), by striking ''; and'' and inserting a period; and

(4) by striking paragraph (7).

BOXER AMENDMENT NO. 1920

Mr. MCCAIN (for Mrs. BOXER) proposed an amendment to the bill, S. 82, supra; as follows:

Insert on page 126, line 16, a new subsection (f) and renumber accordingly,

''(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Participants carrying out inherently low-emission vehicle activities under this pilot program may use no less than 10 percent of the amounts made available for expenditure at the airport under the pilot program to receive technical assistance in carrying out such activities.

(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use in an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

(3) PLANNING ASSISTANCE.—The Administrator may provide $500,000 from funds made available under section 48103 to a multi-state western regional technology consortium for the purposes of developing for dissemination prior to the commencement of the pilot program a comprehensive best practices planning guide that addresses appropriate technologies, environmental and economic impacts, an the role of planning and mitigation strategies.

LAUTENBERG AMENDMENT NO. 1921

Mr. LAUTENBERG proposed an amendment to the bill S. 82, supra; as follows:

At the end of the bill, add the following:

TITLE ____—TRANSPORTATION OF ANIMALS

SEC. __01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Safe Air Travel for Animals Act''.

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. __01. Short title; table of contents.
Sec. __02. Findings.

SUBTITLE A—ANIMAL WELFARE

Sec. __11. Definition of transport.
Sec. __12. Information on incidence of animals in air transport.
Sec. __13. Reports by carriers on incidents involving animals during air transport.
Sec. __14. Annual reports.

SUBTITLE B—TRANSPORTATION

Sec. __21. Policies and procedures for transporting animals.
Sec. __22. Civil penalties and compensation for loss, injury, or death of animals during air transport.
Sec. __23. Cargo hold improvements to protect animal health and safety.

SEC. __02. FINDINGS.

Congress finds that—

(1) animals are live, sentient creatures, with the ability to feel pain and suffer;

(2) it is inappropriate for animals transported by air to be treated as baggage;

(3) according to the Air Transport Association, over 500,000 animals are transported by air each year and as many as 5,000 of those animals are lost, injured, or killed;

(4) most injuries to animals traveling by airplane are due to mishandling by baggage personnel, severe temperature fluctuations, insufficient oxygen in cargo holds, or damage to kennels;

(5) there are no Federal requirements that airlines report incidents of animal loss, injury, or death;

(6) members of the public have no information to use in choosing an airline based on its record of safety with regard to transporting animals;

(7) the last congressional action on animals transported by air was conducted over 22 years ago; and

(8) the conditions of cargo holds of airplanes must be improved to protect the health, and ensure the safety, of transported animals.

Subtitle A—Animal Welfare

SEC. __11. DEFINITION OF TRANSPORT.

Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following:

''(p) TRANSPORT.—The term 'transport', when used with respect to the air transport of an animal by a carrier, means the transport of the animal during the period the animal is in the custody of the carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.''.

SEC. __12. INFORMATION ON INCIDENCE OF ANIMALS IN AIR TRANSPORT.

Section 6 of the Animal Welfare Act (7 U.S.C. 2136) is amended—

(1) by striking ''SEC. 6. Every'' and inserting the following:

''SEC. 6. REGISTRATION.

''(a) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(b) INFORMATION ON INCIDENCE OF ANIMALS IN AIR TRANSPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall require each airline carrier to—

''(1) submit to the Secretary real-time information (as the information becomes available, but at least 24 hours in advance of a departing flight) on each flight that will be carrying a live animal, including—

''(A) the flight number;

''(B) the arrival and departure points of the flight;

''(C) the date and times of the flight; and

''(D) a description of the number and types of animals aboard the flight; and

''(2) ensure that the flight crew of an aircraft is notified of the number and types of animals, if any, on each flight of the crew.''.

SEC. __13. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended by adding at the end the following:

''(e) REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.—

''(1) IN GENERAL.—An airline carrier that causes, or is otherwise involved in or associated with, an incident involving the loss, injury, death or mishandling of an animal during air transport shall submit a report to the Secretary of Agriculture and the Secretary of Transportation that provides a complete description of the incident.

''(2) ADMINISTRATION.—Not later than 90 days after the date of enactment of this subsection, the Secretary of Agriculture, in consultation with the Secretary of Transportation, shall issue regulations that specify—

''(A) the type of information that shall be included in a report required under paragraph (1), including—

''(i) the date and time of an incident;

''(ii) the location and environmental conditions of the incident site;

''(iii) the probable cause of the incident; and

''(iv) the remedial action of the carrier; and

''(B) a mechanism for notifying the public concerning the incident.

''(3) CONSUMER INFORMATION.—The Secretary of Transportation shall include information received under paragraph (1) in the Air Travel Consumer Reports and other consumer publications of the Department of Transportation in a separate category of information.

''(4) CONSUMER COMPLAINTS.—Not later than 15 days after receiving a consumer complaint concerning the loss, injury, death or mishandling of an animal during air transport, the Secretary of Transportation shall provide a description of the complaint to the Secretary of Agriculture.''.

SEC. __14. ANNUAL REPORTS.

Section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended in the first sentence—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) a summary of—

''(A) incidents involving the loss, injury, or death of animals transported by airline carriers; and

''(B) consumer complaints regarding the incidents.''.

Subtitle B—Transportation

SEC. __21. POLICIES AND PROCEDURES FOR TRANSPORTING ANIMALS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41716. Policies and procedures for transporting animals

"An air carrier shall establish and include in each contract of carriage under part 253 of title 14, Code of Federal Regulations (or any successor regulation) policies and procedures of the carrier for transporting animals safely, including—

"(1) training requirements for airline personnel in the proper treatment of animals being transported;

"(2) information on the risks associated with air travel for animals;

"(3) a description of the conditions under which animals are transported;

"(4) the safety record of the carrier with respect to transporting animals; and

"(5) plans for handling animals prior to and after flight, and when there are flight delays or other circumstances that may affect the health or safety of an animal during transport.".

(b) TABLE OF CONTENTS.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

"41716. Policies and procedures for transporting animals.".

SEC. __22. CIVIL PENALTIES AND COMPENSATION FOR LOSS, INJURY, OR DEATH OF ANIMALS DURING AIR TRANSPORT.

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"§ 46317. Civil penalties and compensation for loss, injury, or death of animals during air transport

"(a) DEFINITIONS.—In this section:

"(1) CARRIER.—The term 'carrier' means a person (including any employee, contractor, or agent of the person) operating an aircraft for the transportation of passengers or property for compensation.

"(2) TRANSPORT.—The term 'transport', when used with respect to the air transport of an animal by a carrier, means the transport of the animal during the period the animal is in the custody of a carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary may assess a civil penalty of not more than $5,000 for each violation on, or issue a cease and desist order against, any carrier that causes, or is otherwise involved in or associated with, the loss, injury, or death of an animal during air transport.

"(2) CEASE AND DESIST ORDERS.—A carrier who knowingly fails to obey a cease and desist order issued by the Secretary under this subsection shall be subject to a civil penalty of $1,500 for each offense.

"(3) SEPARATE OFFENSES.—For purposes of determining the amount of a penalty imposed under this subsection, each violation and each day during which a violation continues shall be a separate offense.

"(4) FACTORS.—In determining whether to assess a civil penalty under this subsection and the amount of the civil penalty, the Secretary shall consider—

"(A) the size and financial resources of the business of the carrier;

"(B) the gravity of the violation;

"(C) the good faith of the carrier; and

"(D) any history of previous violations by the carrier.

"(5) COLLECTION OF PENALTIES.—

"(A) IN GENERAL.—On the failure of a carrier to pay a civil penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which the carrier is found or resides or transacts business, to collect the penalty.

"(B) PENALTIES.—The court shall have jurisdiction to hear and decide an action brought under subparagraph (A).

"(c) COMPENSATION.—If an animal is lost, injured, or dies in transport by a carrier, unless the carrier proves that the carrier did not cause, and was not otherwise involved in or associated with, the loss, injury, or death of the animal, the owner of the animal shall be entitled to compensation from the carrier in an amount that—

"(1) is not less than 2 times any limitation established by the carrier for loss or damage to baggage under part 254 of title 14, Code of Federal Regulations (or any successor regulation); and

"(2) includes all veterinary and other related costs that are documented and initiated not later than 1 year after the incident that caused the loss, injury, or death of the animal.".

(b) TABLE OF CONTENTS.—The analysis for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

"46317. Civil penalties and compensation for loss, injury, or death of animals during air transport.".

SEC. __23. CARGO HOLD IMPROVEMENTS TO PROTECT ANIMAL HEALTH AND SAFETY.

(a) IN GENERAL.—To protect the health and safety of animals in transport, the Secretary of Transportation shall—

(1) in conjunction with requiring certain transport category airplanes used in passenger service to replace class D cargo or baggage compartments with class C cargo or baggage compartments under parts 25, 121, and 135 of title 14, Code of Federal Regulations, to install, to the maximum extent practicable, systems that permit positive airflow and heating and cooling for animals that are present in cargo or baggage compartments; and

(2) effective beginning January 1, 2001, prohibit the transport of an animal by any carrier in a cargo or baggage compartment that fails to include a system described in paragraph (1).

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit a report to Congress that describes actions that have been taken to carry out subsection (a).

LAUTENBERG AMENDMENT NO. 1922

Mr. LAUTENBERG proposed an amendment to the bill S. 82, supra; as follows:

At the end of title IV, insert the following new section:

SEC. 454. REQUIREMENTS APPLICABLE TO AIR CARRIERS THAT BUMP PASSENGERS INVOLUNTARILY.

(a) IN GENERAL.—If an air carrier denies a passenger, without the consent of the passenger, transportation on a scheduled flight for which the passenger has made a reservation and paid—

(1) the air carrier shall provide the passenger with a one-page summary of the passenger's rights to transportation, services, compensation, and other benefits resulting from the denial of transportation;

(2) the passenger may select comparable transportation (as defined by the air carrier), with accommodations if needed, or a cash refund; and

(3) the air carrier shall provide the passenger with cash or a voucher in the amount that is equal to the value of the ticket.

(b) DELAYS IN ARRIVALS.—If, by reason of a denial of transportation covered by subsection (a), a passenger's arrival at the passenger's destination is delayed—

(1) by more than 2 hours after the regularly schedule arrival time for the original flight, but less than 4 hours after that time, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to twice the value of the ticket; or

(2) for more than 4 hours after the regularly schedule arrival time for the original flight, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to 3 times the value of the ticket.

(c) DELAYS IN DEPARTURES.—If the earliest transportation offered by an air carrier to a passenger denied transportation as described in subsection (a) is on a day after the day of the scheduled flight on which the passenger has reserved and paid for seating, then the air carrier shall pay the passenger the amount equal to the greater of—

(1) $1,000; or

(2) 3 times the value of the ticket.

(d) RELATIONSHIP OF BENEFITS.—

(1) GENERAL AND DELAY BENEFITS.—Benefits due a passenger under subsection (b) or (c) are in addition to benefits due a passenger under subsection (a) with respect to the same denial of transportation.

(2) DELAY BENEFITS.—A passenger may not receive benefits under both subsection (b) and subsection (c) with respect to the same denial of transportation. A passenger eligible for benefits under both subsections shall receive the greater benefit payable under those subsections.

(e) CIVIL PENALTY.—An air carrier that fails to provide a summary of passenger's rights to one or more passengers on a flight when required to do so under subsection (a)(1) shall pay the Federal Aviation Administration a civil penalty in the amount of $1,000.

(f) DEFINITIONS.—In this section:

(1) AIRLINE TICKET.—The term "airline ticket" includes any electronic verification of a reservation that is issued by the airline in place of a ticket.

(2) VALUE.—The term "value", with respect to an airline ticket, means the value of the remaining unused portion of the airline ticket on the scheduled flight.

(3) WITHOUT CONSENT OF THE PASSENGER.—The term "without consent of the passenger", with respect to a denial of transportation to a passenger means a passenger, is denied transportation under subsection (a) for reasons other than weather or safety.

HATCH (AND OTHERS) AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND) submitted an amendment intended to be proposed by them to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) SHORT TITLE.—This section may be cited as the "Aircraft Safety Act of 1999".

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

"(a) IN GENERAL.—

"(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

"(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having

been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 25 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—

''(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

''(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

''(B) CONTENTS.—A subpoena under subparagraph (A) shall—

''(i) describe the object required to be produced; and

''(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

''(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

''(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

''(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

''(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

''(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

''(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

''(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

COVERDELL AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place in the Manager's substitute amendment, insert the following:

SEC. ___. AVAILABILITY OF FUNDS FOR GEORGIA'S REGIONAL AIRPORT ENHANCEMENT PROGRAM.

Of the amounts made available to the Secretary of Transportation for the fiscal year 2000 out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $11,000,000 may be available for Georgia's regional airport enhancement program for the acquisition of land.

ROTH AMENDMENT NO. 1925

Mr. MCCAIN (for Mr. ROTH) proposed an amendment to the bill S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.

(a) DEFINITION.—The term ''Brandywine Intercept'' means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Transportation should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14 of the Code of Federal Regulations required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

ROTH AMENDMENT NO. 1926

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be propoed by him to the bill S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. AIR TRAFFIC OVER NORTHERN DELAWARE.

Any airspace redesign efforts relating to Philadelphia International Airport, the Administrator of the Federal Aviation Administration shall—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14 of the Code of Federal Regulations that are required under the National Environmental Policy Act of 1969;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River; and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept in northern Delaware from 3,000 feet to 3,500 or 4,000 feet.

HATCH (AND OTHERS) AMENDMENT NO. 1927

Mr. MCCAIN (for Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND)) proposed an amendment to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) SHORT TITLE.—This section may be cited as the ''Aircraft Safety Act of 1999''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) IN GENERAL.—

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 25 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—

''(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

''(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

''(B) CONTENTS.—A subpoena under subparagraph (A) shall—

''(i) describe the object required to be produced; and

''(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

''(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

''(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

''(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

''(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

''(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

''(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

''(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

GRASSLEY AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4___. NOTIFICATION REQUIREMENTS.

Section 44903 is amended by adding at the end the following:

''(f) NOTIFICATION TO PASSENGERS OF FOREIGN AIR TRANSPORTATION CONCERNING CERTAIN CRIMINAL LAWS RELATING TO THE TRANSPORTATION OF MINORS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Air Transportation Improvement Act, the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall promulgate regulations that require each air carrier that provides foreign air transportation to passengers at an airport in the United States and each owner or operator of such an airport to provide reasonable notice to those passengers of the applicability and requirements of—

''(A) section 2323 of title 18, United States Code; and

''(B) any other similar provision of Federal law relating to the transportation of individuals under the age of 18 years.

''(2) CONSULTATION.—In promulgating regulations under paragraph (1), the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall consult with representatives of—

''(A) air carriers; and

''(B) other interested parties.''.

FITZGERALD AMENDMENTS NOS. 1929–1947

(Ordered to lie on the table.)

Mr. FITZGERALD submitted 19 amendments intended to be proposed by him to the bill, S. 82, supra: as follows:

AMENDMENT NO. 1929

At the end of the matter proposed to be inserted, insert the following new section:

SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall report the determination to Congress within 60 days of the date of making the determination.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, near misses, and such other measures as the Administrator may deem appropriate.

AMENDMENT NO. 1930

Strike page 3, line 21, through page 4, line 8.

AMENDMENT NO. 1931

At the appropriate place, insert the following new section:

SEC. . REPORT TO CONGRESS BY THE SECRETARY OF TRANSPORTATION ON THE EFFECT OF THE LIFTING OF THE HIGH DENSITY RULE ON COMPETITION IN THE AIRLINE INDUSTRY IN THE UNITED STATES.

The Secretary of Transportation shall issue a report, within one year of the date of enactment of this Act, on the effect of the phase-out of the rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations on competition in the airline industry in the United States.

AMENDMENT NO. 1932

At the end of the matter proposed to be inserted, insert the following new section:

SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall report the determination to Congress within 60 days of the date of making the determination.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, and near misses.

AMENDMENT NO. 1933

At the appropriate place, insert the following new section:

SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall reimpose the high density ruels as ineffect on the day before the date of enactment of this Act.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, and near misses, and such other measures as the Administrator shall deem appropriate.

AMENDMENT NO. 1934

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 4 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1935

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 5 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1936

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 6 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1937

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 7 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1938

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 8 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1939

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 9 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1940

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 10 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1941

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 11 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1942

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 12 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1943

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 13 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1944

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 14 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1945

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 15 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1946

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 16 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1947

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 17 years after the date of enactment of the Air Transportation Improvement Act.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1948

Mr. MCCAIN (for Mr. ABRAHAM (for himself and Mr. LEVIN)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.

(a) PROHIBITING DISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.—Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

"§ 40123. Nondiscrimination in the Use of Private Airports

''(a) IN GENERAL.—Notwithstanding any other provision of law, no state, county, city

or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.

WARNER (AND ROBB) AMENDMENT NO. 1949

Mr. MCCAIN (for Mr. WARNER (for himself and Mr. ROBB)) proposed an amendment to the bill, S. 82, supra; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Metropolitan Airports Authority Improvement Act''.

SEC. 2. REMOVAL OF LIMITATION.

Section 49106(c)(6) of title 49, United States Code, is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

GORTON AMENDMENT NO. 1950

Mr. MCCAIN (for Mr. GORTON) proposed an amendment to the bill, S. 82, supra; as follows:

SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm;

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

FITZGERALD AMENDMENTS NOS. 1951–2069

(Ordered to lie on the table.)

Mr. FITZGERALD submitted 119 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 1951

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 18 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1952

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 19 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1953

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 20 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1954

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 21 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1955

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 22 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1956

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 23 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1957

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 24 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1958

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 25 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1959

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 26 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1960

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 27 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1961

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 28 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1962

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 29 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1963

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 30 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1964

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 31 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1965

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 32 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1966

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 33 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1967

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 34 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1968

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 35 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1969

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 36 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1970

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 37 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1971

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 38 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1972

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 39 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1973

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 40 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1974

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 41 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1975

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 42 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1976

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 43 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1977

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 44 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1978

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 45 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1979

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 46 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1980

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 47 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1981

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 48 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1982

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 49 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1983

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 50 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1984

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 51 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1985

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 52 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1986

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 53 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1987

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport

shall not take effect until 54 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1988

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 55 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1989

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 56 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1990

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 57 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1991

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 58 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1992

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 59 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1993

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 60 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1994

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 61 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1995

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 62 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1996

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 63 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1997

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 64 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1998

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 65 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1999

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 66 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2000

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 67 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2001

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 68 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2002

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 69 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2003

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 70 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2004

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 71 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2005

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 72 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2006

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 73 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2007

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 74 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2008

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 75 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2009

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 76 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2010

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 77 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2011

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 78 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2012

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 79 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2013

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 80 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2014

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 81 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2015

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 82 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2016

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 83 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2017

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 84 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2018

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 85 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2019

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 86 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2020

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 87 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2021

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 88 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2022

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 89 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2023

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 90 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2024

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 91 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2025

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 92 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2026

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 93 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2027

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 94 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2028

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 95 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2029

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 96 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2030

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 97 years after the

date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2031

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 98 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2032

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 99 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2033

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 100 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2034

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 101 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2035

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 102 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2036

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 103 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2037

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 104 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2038

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 105 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2039

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 106 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2040

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 107 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2041

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 108 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2042

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 109 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2043

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 110 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2044

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 111 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2045

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 112 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2046

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 113 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2047

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 114 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2048

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 115 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2049

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 116 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2050

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 117 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2051

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 118 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2052

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted

at Chicago O'Hare International Airport shall not take effect until 119 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2053

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 120 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2054

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 121 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2055

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 122 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2056

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 123 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2057

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 124 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2058

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 125 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2059

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 126 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2060

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 127 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2061

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 128 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2062

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 129 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2063

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 130 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2064

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 131 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2065

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 132 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2066

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 133 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2067

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 134 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2068

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 135 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2069

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 136 years after the date of enactment of the Air Transportation Improvement Act.

HELMS (AND SANTORUM) AMENDMENT NO. 2070

Mr. MCCAIN (for Mr. HELMS (for himself and Mr. SANTORUM)) proposed an amendment to amendment No. 1892 proposed by Mr. GORTON to the bill, S. 82, supra; as follows:

In the pending amendment on page 13, line 9 strike the words ''of such carriers''.

INHOFE AMENDMENT NO. 2071

Mr. MCCAIN (for Mr. INHOFE) proposed an amendment to the bill, S. 82, supra; as follows:

On page 132, line 4, strike ''is authorized to'' and insert ''shall''.

FITZGERALD AMENDMENTS NOS. 2072–2235

(Ordered to lie on the table.)

Mr. FITZGERALD submitted 164 amendments intended to be proposed by him to the bill, S. 82, supra; as follows:

AMENDMENT NO. 2072

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 137 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2073

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted

at Chicago O'Hare International Airport shall not take effect until 138 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2074

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 139 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2075

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 140 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2076

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 141 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2077

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 142 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2078

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 143 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2079

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 144 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2080

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 145 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2081

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 146 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2082

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 147 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2083

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 148 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2084

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 149 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2085

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 150 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2086

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 151 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2087

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 4 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2088

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 5 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2089

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 6 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2090

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 7 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2091

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 8 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2092

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 9 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2093

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 10 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2094

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 11 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2095

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 12 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2096

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 13 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2097

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 14 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2098

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 15 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2099

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 16 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2100

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 17 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2101

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 18 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2102

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 19 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2103

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 20 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2104

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 21 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2105

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 22 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2106

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 23 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2107

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 24 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2108

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 25 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2109

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 26 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2110

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 27 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2111

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 28 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2112

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 29 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2113

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 30 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2114

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 31 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2115

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 32 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2116

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until

33 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2117

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 34 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2118

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 35 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2119

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 36 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2120

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 37 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2121

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 38 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2122

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 39 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2123

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 40 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2124

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 41 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2125

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 42 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2126

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 43 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2127

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 44 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2128

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 45 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2129

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 46 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2130

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 47 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2131

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 48 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2132

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 49 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2133

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 50 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2134

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 51 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2135

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 52 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2136

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 53 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2137

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 54 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2138

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High

Density Rule at Chicago O'Hare International Airport shall not take effect until 55 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2139

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 56 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2140

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 57 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2141

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 58 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2142

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 59 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2143

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 60 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2144

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 61 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2145

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 62 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2146

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 63 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2147

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 64 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2148

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 65 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2149

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 66 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2150

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 67 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2151

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 68 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2152

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 69 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2153

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 70 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2154

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 71 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2155

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 72 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2156

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 73 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2157

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 74 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2158

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 75 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2159

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 76 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2160

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 77 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2161

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 78 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2162

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 79 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2163

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 80 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2164

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 81 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2165

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 82 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2166

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 83 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2167

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 84 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2168

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 85 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2169

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 86 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2170

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 87 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2171

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 88 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2172

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 89 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2173

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 90 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2174

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 91 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2175

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 92 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2176

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 93 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2177

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 94 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2178

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 95 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2179

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 96 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2180

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 97 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2181

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until

98 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2182

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 99 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2183

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 100 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2184

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 101 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2185

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 102 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2186

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 103 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2187

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 104 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2188

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 105 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2189

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 106 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2190

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 107 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2191

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 108 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2192

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 109 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2193

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 110 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2194

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 111 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2195

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 112 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2196

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 113 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2197

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 114 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2198

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 115 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2199

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 116 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2200

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 117 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2201

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 118 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2202

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 119 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2203

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High

Density Rule at Chicago O'Hare International Airport shall not take effect until 120 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2204

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 121 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2205

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 122 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2206

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 123 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2207

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 124 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2208

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 125 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2209

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 126 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2210

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 127 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2211

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 128 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2212

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 129 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2213

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 130 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2214

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 131 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2215

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 132 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2216

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 133 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2217

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 134 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2218

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 135 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2219

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 136 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2220

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 137 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2221

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 138 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2222

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 139 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2223

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 140 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2224

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 141 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2225

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 141 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2226

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 142 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2227

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 143 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2228

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 144 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2229

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 145 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2230

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 146 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2231

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 147 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2232

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 148 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2233

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 149 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2234

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 150 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2235

At the appropriate place, insert the following new section:

SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 151 years after the date of enactment of the Air Transportation Improvement Act.

HATCH (AND OTHERS) AMENDMENT NO. 2236

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND) submitted an amendment intended to be proposed by them to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) SHORT TITLE.—This section may be cited as the ''Aircraft Safety Act of 1999''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) IN GENERAL.—

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space

vehicle, a fine of not more than $500,000, imprisonment for not more than 25 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—

''(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

''(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

''(B) CONTENTS.—A subpoena under subparagraph (A) shall—

''(i) describe the object required to be produced; and

''(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

''(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

''(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

''(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

''(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

''(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

''(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

''(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

HUTCHISON AMENDMENT NO. 2237

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 82, supra; as follows:

At the appropriate place in Section 506, add the following:

''(C) or, upgraded air service replacing turbo prop aircraft with regional jet aircraft between Chicago O'Hare International Airport and any airport to which the air carrier provided air service with turbo prop aircraft during the week of June 15, 1999.''.

CONRAD AMENDMENT NO. 2238

Mr. MCCAIN (for Mr. CONRAD) proposed an amendment to the bill S. 82, supra; as follows:

SECTION 1. SENSE OF THE SENATE.

It is the Sense of the Senate that—

(A) Essential air service (EAS) to smaller communities remains vital, and that the difficulties encountered by many communities in retaining EAS warrant increased federal attention.

(B) The FAA should give full consideration to ending the local match required by Dickinson, North Dakota.

SEC. 2. REPORT.

Not later than 60 days after enactment of this legislation, the Secretary of Transportation shall report to the Congress with an analysis of the difficulties faced by many smaller communities in retaining EAS and a plan to facilitate easier EAS retention. This report shall give particular attention to communities in North Dakota.

HOLLINGS AMENDMENT NO. 2239

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

TITLE—RESTORATION OF AIR TRANSPORTATION COMPETITION

SEC. 01. SHORT TITLE.

This title may be cited as the ''Restoration of air Transportation Competition Act''.

SEC. 02. FINDINGS.

The Congress makes the following findings:

(1) Essential airport facilities at major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

(3) The General Accounting Office has found that such levels of concentration lead to higher air fares.

(4) The United States Government must take every step necessary to reduce those levels of concentration.

(5) Spending at these essential facilities must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.

(6) The Department of Transportation and the Department of Justice must vigilantly enforce existing laws on competition.

SEC. 03. POLICY GOAL.

It is the purpose of this title to use the power of the Federal government, working with the Nation's major airports, to reduce levels of concentration and end the domination by 1 air carrier of the transportation services provided to people in a particular region, and to further the policy goals of ensuring lower fares and better service.

SEC. 04. INCREASING COMPETITION AT MAJOR HUB AIRPORTS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by inserting after section 40117 the following:

"§ 40117A. Increased competition and reduced concentration

''(a) ESSENTIAL AIRPORT FACILITIES MUST SUBMIT COMPETITION PLAN.—Within 6 months after the date of enactment of the Restoration of Air Transportation Competition Act, each essential airport facility shall submit a competition plan that meets the requirements of this section to the Secretary of Transportation. If any essential airport facility fails to submit such a plan before the end of that 6-month period, the secretary may not approve an application under section 40117(c) from that essential airport facility to impose or increase a passenger facility fee at that facility.

''(b) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under subsection (a) to ensure that it meets the requirements of this section, and shall review its implementation from time to time to ensure that each essential airport facility successfully implements its plan.

''(c) FUTURE PFC IMPOSITION OR INCREASE.—Beginning 3 years after the date of enactment of the Restoration of Air Transportation Competition Act, the Secretary may not approve an application under section 40117(c) for the imposition of, or an increase in, a passenger facility fee at an essential airport facility unless the Secretary determines that—

''(1) the essential airport facility has fully implemented a competition plan that meets the requirements of this section;

''(2) the essential airport facility has adequate facilities available, or has offered to make such facilities available to carriers other than the dominant carrier;

''(3) concentration levels at the essential airport facility have been reduced substantially or below 50 percent; or

''(4) the essential airport facility has made substantial progress toward reducing concentration at that airport.

''(d) COMPETITION PLAN REQUIREMENTS.—A competition plan submitted under this section shall include—

''(1) a proposal on methods of reducing air traffic concentration levels at that airport;

''(2) a timeframe for taking action under the plan, including—

''(A) attracting new service or expanding opportunities for existing air carriers that reduce the levels of concentration;

''(B) making airport grates and related facilities available for air carriers other than the dominant air carrier at that airport;

''(C) leasing and subleasing arrangements;

''(D) gate-use requirements;

''(E) patterns of air service;

''(F) gate-assignment policies;

''(G) financial constraints;

''(H) information on contract relationships that may impede expansion or more effective use of facilities; and

''(I) means to build or acquire gates that could be used as common facilities; and

''(3) any other information required by the Secretary.

''(e) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731 of this title) in the contiguous 48 states at which 1 carrier has more than 50 percent of total annual enplanements.''

(b) GUIDELINES.—The Secretary of Transportation shall issue guidelines for competition plans required under section 40117A of title 49, United States Code, within 30 days after the date of enactment of this title.

(c) ANNUAL REPORT ON AIR FARES.—The Secretary shall issue an annual report on airfares at essential airport facilities (as defined in section 40117A(e) of title 49, United States Code) that includes information about airfares, competition, and concentration at such facilities.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 of such title is amended by inserting after the item relating to section 40117 the following:

''40117A. Increased competition and reduced concentration''.

SEC. 05. INCREASE IN PASSENGER FACILITY FEE GENERALLY.

Section 40117(b) of title 49, United States Code, is amended by striking ''$3'' in paragraph (1) and inserting ''$4''.

SEC. 06. INCREASE IN PFC AT ESSENTIAL AIRPORT FACILITIES.

(a) IN GENERAL.—Section 40117 of title 49, United States Code, is amended by adding at the end thereof the following:

''(j) SPECIAL RULES FOR ESSENTIAL AIRPORT FACILITIES.—

''(1) IN GENERAL.—The Secretary may authorize an essential airport facility (as defined in section 40117A(e)) to impose a passenger facility fee under subsection (b)(1) of $4 on each paying passenger only if that facility meets the requirements of section 40117A and this subsection.

''(2) REQUEST.—Before increasing its passenger facility fee to $4 under this subsection, an essential airport facility shall submit a request in writing to the Secretary for permission to increase the fee. The request shall set forth a plan for the use of the revenue from the increased fee that meets the requirements of this subsection. The Secretary may approve or disapprove the request. If the Secretary disapproves the request, the facility may not increase its passenger facility fee to $4. The Secretary may not approve a request unless the facility agrees to meet the requirements of this subsection at all times during which the increased fee is in effect.

''(4) LIMITATION ON USE OF INCREASED PFC REVENUE.—

''(A) PRIORITY USES.—If an essential airport facility (as defined in section 40117A(e)) increases its passenger facility fee to $4, then any increase in passenger facility fee revenue attributable to that increase shall be used first—

''(i) to provide opportunities for non-dominant air carriers to expand operations at that airport;

''(ii) to build gates and other facilities for non-dominant air carriers at that airport; or

''(iii) to take other measures to enhance competition.

''(B) EXCLUSIVE USE PROHIBITED.—Any gate built in whole or in part with passenger facility fee revenue attributable to such an increase may not be made available for exclusive long-term lease or use agreement by an air carrier.

''(C) IG TO AUDIT USE OF FUNDS.—The Inspector General of the Department of Transportation shall audit the use of passenger facility fees at essential airport facilities to ensure that passenger facility fee revenue attributable to an passenger facility fee increase from $3 to $4 is used in accordance with this paragraph.''.

(b) DOT INSPECTOR GENERAL TO INVESTIGATE COMPETITIVE IMPACTS.—The Inspector General of the Department of Transportation shall investigate the competitive impact of majority-in-interest provisions in airport-airline contracts at essential airport facilities (as defined in section 40117A(e) of title 49, United States Code).

SEC. 07. DESIGNATION OF COMPETITION ADVOCATE; DUTIES.

(a) DESIGNATION.—The Secretary of Transportation shall designate an officer or employee of the Department of Transportation to serve as the Federal Aviation Competition Advocate.

(b) DUTIES.—The Federal Aviation Competition Advocate shall—

(1) have final responsibility for approving or disapproving applications for passenger facility charges from essential airport facilities (as defined in section 40117A(e) of title 49, United States Code);

(2) oversee the administration of Federal Aviation Administration grant assurances for those facilities; and

(3) review plans submitted under section 40117A of such title.

SEC. 08. AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.

The Secretary of Transportation shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at essential airport facilities (as defined in section 40117A(e) of title 49, United States Code) where a ''majority-in-interest clause'' of a contract, or other agreement or arrangement, inhibits the ability of the local airport authority to provide or build new gates or other facilities.

DORGAN AMENDMENT NO. 2240

Mr. MCCAIN (for Mr. DORGAN) proposed an amendment to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

SEC. . PRESERVATION OF ESSENTIAL AIR SERVICE AT DOMINATED HUB AIRPORTS.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

"§ 41743. Preservation of basic essential air service at dominated hub airports

''(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable and competitive performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, then the Secretary may require the air carrier that has more than 50 percent of the total annual enplanements at the essential airport facility to take action to enable air carrier to provide reliable and competitive essential air service to that community. Action required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

''(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 states at which 1 air carrier has more than 50 percent of the total annual enplanements at that airport.''.

DODD (AND OTHERS) AMENDMENT NO. 2241

Mr. DODD (for himself, Mr. BENNETT, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. HOLLINGS) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AVIATION ADMINISTRATION YEAR 2000 TECHNOLOGY SAFETY ENFORCEMENT ACT OF 1999.

(a) SHORT TITLE.—This section be cited as the ''Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER OPERATING CERTIFICATE.—The term ''air carrier operating certificate'' has the same meaning as in section 44705 of title 49, United States Code.

(3) YEAR 2000 TECHNOLOGY PROBLEM.—The term ''year 2000 technology problem'' means a failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) to accurately account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(c) RESPONSE TO REQUEST FOR INFORMATION.—Any person who has an air carrier operating certificate shall respond on or before November 1, 1999, to any request for information from the Administrator regarding readiness of that person with regard to the year 2000 technology problem as it relates to the compliance of that person with applicable safety regulations.

(d) FAILURE TO RESPOND.—

(1) SURRENDER OF CERTIFICATE.—After November 1, 1999, the Administrator shall make a decision on the record whether to compel any air carrier that has not responded on or before November 1, 1999, to a request for information regarding the readiness of that air carrier with regard to the year 2000 technology problem as it relates to the air carrier's compliance with applicable safety regulations to surrender its operating certificate to the Administrator.

(2) REINSTATEMENT OF CERTIFICATE.—The Administrator may return an air carrier operating certificate that has been surrendered under this subsection upon—

(A) a finding by the Administrator that a person whose certificate has been surrendered has provided sufficient information to demonstrate compliance with applicable safety regulations as it relates to the year 2000 technology problem; or

(B) upon receipt of a certification, signed under penalty or perjury, by the chief operating officer of the air carrier, that such air carrier has addressed the year 2000 technology problem so that the air carrier will be in full compliance with applicable safety regulations on and after January 1, 2000.

FITZGERALD AMENDMENT NO. 2242

(Ordered to lie on the table.)

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall report the determination to Congress within 60 days of the date of making the determination.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, near misses, and such other measures as the Administrator shall deem appropriate.

HELMS AMENDMENTS NOS. 2243–2244

(Ordered to lie on the table.)

Mr. HELMS submitted 2 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2243

In the pending amendment on page 13, line 9 strike the words ''of such carriers''.

AMENDMENT NO. 2244

In the bill on page 153, line 14 strike the words ''of such carriers''.

SHELBY (AND DOMENICI) AMENDMENTS NOS. 2245–2246

(Ordered to lie on the table.)

Mr. SHELBY (for himself and Mr. DOMENICI) submitted 2 amendments intended to be proposed by them to the bill S. 82, supra; as follows:

AMENDMENT NO. 2245

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE SUPPORTING CURRENT FUNDING FOR AVIATION.

(a) FINDING.—The Senate finds that funding for Federal aviation programs is a high priority for this Congress and sufficient funding is available to adequately address the aviation needs of our country.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is both unnecessary and unwise to create any mechanisms, procedures, or any new points of order designed to dictate the level of aviation funding in the future.

AMENDMENT NO. 2246

At the appropriate place insert the following:

SEC. ___. BUDGET TREATMENT OF AVIATION PROGRAMS.

(a) FINDINGS.—The Senate finds the following:

(1) In order to enforce Congressional Budget Resolutions and help control Federal spending, there are currently at least 22 different points of order in the Congressional Budget Act of 1974. Many of these points of order require a supermajority vote in the Senate.

(2) With the exceptions of Social Security and the Postal Service, all Federal Government spending is on-budget. On-budget treatment is the most appropriate way to account for spending the taxpayers' money.

(3) Since 1990, the existence of the discretionary spending limits has been an extremely useful tool in Congress battle against explosive Federal Government spending and the deficit. Their existence has appropriately forced Congress and the President to revisit the effectiveness of programs and prioritize the use of taxpayers' money.

(4) Funding for Federal aviation programs is a high priority for this Congress and sufficient funding is available within the existing discretionary spending limits to adequately address the aviation needs of our country.

(5) Creating additional budgetary constraints or points of order—designed to dictate the outcome of future spending debates—is unnecessary and unwise. To do so would require the affirmative vote of a supermajority for final passage in the Senate and would prevent future Congresses from making the best spending decisions appropriate to our rapidly changing world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the current budgetary treatment of aviation programs represents sound fiscal policy and encourages the best decision-making; and

(2) this Act or any other legislation which provides for the reauthorization of funding for programs of the Federal Aviation Administration shall not contain special budgetary treatment including off-budget status, separate categories of spending within the existing discretionary spending limits—also known as firewalls—or any new points of order.

ABRAHAM AMENDMENTS NOS. 2247–2251

(Ordered to lie on the table.)

Mr. ABRAHAM submitted 5 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2247

At the appropriate place insert the following:

SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.

Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

''§ 40123. Nondiscrimination in the use of private airports.

Notwithstanding any other provision of law, no state, county, city or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.''

AMENDMENT NO. 2248

At the appropriate place insert the following:

SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.

(a) PROHIBITING DISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.—Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

''§ 40123. Nondiscrimination in the use of private airports.

''(a) IN GENERAL.—Notwithstanding any other provision of law, no state, county, city or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.

''(b) ENFORCEMENT.—A person who has been discriminated against under paragraph (a)

may bring a civil action, for injunctive or declaratory relief only, in the United States District Court for the judicial district in which the private landing area is located; provided, however, that neither the United States Government nor any of its agencies, instrumentalities, or employees, in their official capacity, shall be party to such action.

''(c) METHOD OF REDRESS.—Section (b) shall provide the sole and exclusive method for the redress of claims arising out of Section (a).

''(d) LIMITATIONS.—Nothing in this provision shall be construed as a limitation, amendment, or change or to any authorities, rights, or obligations of the United States Government, nor any of its agencies, instrumentalities, or employees, in the course of their official capacity.''

(b) JUDICIARY AND JUDICIAL PROCEDURES.—Title 28, United States Code, Judiciary and Judicial Procedure is hereby amended to provide exclusive jurisdiction over a claim arising out of 49 U.S.C. §40101, et. seq., as amended by P.L. 103–305 (August 23, 1994), in the United States District Court for the judicial district in which the private landing area is located, provided, however, that neither the United States Government nor any of its agencies, instrumentalities, or employees, in their official capacity, shall be party to such an action.

AMENDMENT NO. 2249

At the appropriate place insert the following:

SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrument landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT.—Title 49, United States Code, section 47114(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 percent of the amount subject to apportionment for each fiscal year to each eligible General Aviation Metropolitan Access and Reliever Airports in proportion to the percentage of the number of operations at that General Aviation Metropolitan Access and Reliever Airport compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports.''

AMENDMENT NO. 2250

At the appropriate place insert the following:

SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrument landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT.—Title 49, United States Code, section 47114(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 percent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airport compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports. Such funds may only be used by the States for eligible projects at eligible General Aviation Metropolitan Access and Reliever Airports.''

ABRAHAM AMENDMENT NO. 2251

Mr. MCCAIN (for Mr. ABRAHAM) proposed an amendment to the bill, S. 82, supra; as follows:

On page 14, strike lines 9 through 11.

SHELBY AMENDMENTS NOS. 2252–2253

(Ordered to lie on the table.)

Mr. SHELBY submitted 2 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2252

At the appropriate place insert the following:

SEC. ___. AVIATION DISCRETIONARY SPENDING GUARANTEE.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' after the semicolon; and

(C) by adding at the end the following:

''(D) for the aviation category, an outlay amount equal to the limitation on obligations for the airport improvement program and the amounts authorized for operations, research, and facilities, and equipment in the Air Transportation Improvement Act for fiscal year 2001;''; and

(2) in paragraph (6)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by adding at the end the following:

''(D) for the aviation category, an outlay amount equal to the limitation on obligations for the airport improvement program and the amounts authorized for operations, research, and facilities, and equipment in the Air Transportation Improvement Act for fiscal year 2002; and''.

At the appropriate place, insert:

SEC. 1. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 2. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Subhcapter I of chapter 471 is further amended by adding at the end the following:

''§ 47138. Safeguards against deficit spending

''(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

''(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31; and

''(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

''(b) PROCEDURES IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary of Transportation determines for any fiscal year that the amount described on subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

''(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

''(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

''(A) such excess, is of

''(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

''(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

''(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

''(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection ((c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

''(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

''(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

''(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

''(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period, the excess of—

''(A) the receipts (including interest) of the Airport and Airway Trust fund during such period, over

''(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

''(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

''(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

''(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47138. Safeguards against deficit spending.''

SEC. 3. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

SEC. 4. APPLICABILITY.

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

HATCH AMENDMENT NO. 2254

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

Insert in the appropriate place:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts to be inserted are shown in italic.]

TITLE—

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Bankruptcy Reform Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Notice of alternatives.
Sec. 104. Debtor financial management training test program.
Sec. 105. Credit counseling.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Violations of the automatic stay.
Sec. 204. Discouraging abuse of reaffirmation practices.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. **[**211**]** *212.* Priorities for claims for domestic support obligations.
Sec. **[**212**]** *213.* Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. **[**213**]** *214.* Exceptions to automatic stay in domestic support obligation proceedings.
Sec. **[**214**]** *215.* Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. **[**215**]** *216.* Continued liability of property.
Sec. **[**216**]** *217.* Protection of domestic support claims against preferential transfer motions.
[Sec. 217. Amendment to section 1325 of title 11, United States Code.
[Sec. 218. Definition of domestic support obligation.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.

Subtitle C—Other Consumer Protections

[Sec. 221. Definitions.
[Sec. 222. Disclosures.
[Sec. 223. Debtor's bill of rights.
[Sec. 224. Enforcement.**]**
Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. **[**225**]** *222.* Sense of Congress.
Sec. **[**226**]** *223.* Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Exemptions.
Sec. 308. Residency requirement for homestead exemption.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of the Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Treatment of certain earnings of an individual debtor who files a voluntary case under chapter 11.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Rolling stock equipment.
Sec. 402. Adequate protection for investors.
Sec. 403. Meetings of creditors and equity security holders.
Sec. 404. Protection of refinance of security interest.
Sec. 405. Executory contracts and unexpired leases.
Sec. 406. Creditors and equity security holders committees.
Sec. 407. Amendment to section 546 of title 11, United States Code.
Sec. 408. Limitation.
Sec. 409. Amendment to section 330(a) of title 11, United States Code.
Sec. 410. Postpetition disclosure and solicitation.
Sec. 411. Preferences.
Sec. 412. Venue of certain proceedings.
Sec. 413. Period for filing plan under chapter 11.
Sec. 414. Fees arising from certain ownership interests.
Sec. 415. Creditor representation at first meeting of creditors.
[Sec. 416. Elimination of certain fees payable in chapter 11 bankruptcy cases.**]**
Sec. **[**417**]** *416.* Definition of disinterested person.
Sec. **[**418**]** *417.* Factors for compensation of professional persons.
Sec. **[**419**]** *418.* Appointment of elected trustee.
Sec. 419. Utility service.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 421. Flexible rules for disclosure statement and plan.
Sec. 422. Definitions; effect of discharge.
Sec. 423. Standard form disclosure Statement and plan.
Sec. 424. Uniform national reporting requirements.
Sec. 425. Uniform reporting rules and forms for small business cases.
Sec. 426. Duties in small business cases.
Sec. 427. Plan filing and confirmation deadlines.
Sec. 428. Plan confirmation deadline.
Sec. 429. Prohibition against extension of time.
Sec. 430. Duties of the United States trustee.
Sec. 431. Scheduling conferences.
Sec. 432. Serial filer provisions.
Sec. 433. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 434. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 435. Payment of interest.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

Sec. 601. Audit procedures.
Sec. 602. Improved bankruptcy statistics.
Sec. 603. Uniform rules for the collection of bankruptcy data.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Effective notice to government.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Tolling of priority of tax claim time periods.
Sec. 706. Priority property taxes incurred.
Sec. 707. Chapter 13 discharge of fraudulent and other taxes.
Sec. 708. Chapter 11 discharge of fraudulent taxes.

Sec. 709. Stay of tax proceedings.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Amendments to other chapters in title 11, United States Code.
Sec. 803. Claims relating to insurance deposits in cases ancillary to foreign proceedings.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Bankruptcy Code amendments.
Sec. 902. Damage measure.
Sec. 903. Asset-backed securitizations.
Sec. 904. Effective date; application of amendments.

TITLE X—PROTECTION OF FAMILY FARMERS

Sec. 1001. Reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1004. Certain claims owed to governmental units.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

[Sec. 1101. Definitions.
[Sec. 1102. Disposal of patient records.
[Sec. 1103. Administrative expense claim for costs of closing a health care business.
[Sec. 1104. Appointment of ombudsman to act as patient advocate.
[Sec. 1105. Debtor in possession; duty of trustee to transfer patients.]

TITLE [XII] *XI*—TECHNICAL AMENDMENTS

Sec. [1201] *1101.* Definitions.
Sec. [1202] *1102.* Adjustment of dollar amounts.
Sec. [1203] *1103.* Extension of time.
Sec. [1204] *1104.* Technical amendments.
Sec. [1205] *1105.* Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. [1206] *1106.* Limitation on compensation of professional persons.
Sec. [1207] *1107.* Special tax provisions.
Sec. [1208] *1108.* Effect of conversion.
Sec. [1209] *1109.* Allowance of administrative expenses.
[Sec. 1210. Priorities.
[Sec. 1211. Exemptions.]
Sec. [1212] *1110.* Exceptions to discharge.
Sec. [1213] *1111.* Effect of discharge.
Sec. [1214] *1112.* Protection against discriminatory treatment.
Sec. [1215] *1113.* Property of the estate.
Sec. [1216] *1114.* Preferences.
Sec. [1217] *1115.* Postpetition transactions.
Sec. [1218] *1116.* Disposition of property of the estate.
Sec. [1219] *1117.* General provisions.
Sec. [1220] *1118.* Abandonment of railroad line.
Sec. [1221] *1119.* Contents of plan.
Sec. [1222] *1120.* Discharge under chapter 12.
Sec. [1223] *1121.* Bankruptcy cases and proceedings.
Sec. [1224] *1122.* Knowing disregard of bankruptcy law or rule.
Sec. [1225] *1123.* Transfers made by nonprofit charitable corporations.
Sec. [1226] *1124.* Protection of valid purchase money security interests.
Sec. [1227] *1125.* Extensions.
Sec. [1228] *1126.* Bankruptcy judgeships.

TITLE [XIII] *XII*—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. [1301] *1201.* Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 707. Dismissal of a case or conversion to a case under chapter 13'';

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not at the request or suggestion'' and inserting '', panel trustee or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 13 of this title,'' after ''consumer debts''; and

(III) by striking ''substantial abuse'' and inserting ''abuse''; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

''(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims in the case; or

''(II) $15,000.

''(ii) The debtor's monthly expenses shall be the applicable monthly (excluding payments for debts) expenses under standards issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent.

''(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

''(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; divided by

''(II) 60.

''(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

''(I) the total amount of debts entitled to priority; divided by

''(II) 60.

''(B)(i) In any proceeding brought under this subsection, the presumption of abuse may be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly total income. In order to establish special circumstances, the debtor shall be required to—

''(I) itemize each additional expense or adjustment of income; and

''(II) provide—

''(aa) documentation for such expenses; and

''(bb) a detailed explanation of the special circumstances that make such expenses necessary and reasonable.

''(ii) The debtor, and the attorney for the debtor if the debtor has an attorney, shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

''(iii) The presumption of abuse may be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) multiplied by 60 to be less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims; or

''(II) $15,000.

''(C)(i) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

''(ii) The Supreme Court shall promulgate rules under section 2075 of title 28, that prescribe a form for a statement under clause (i) and may provide general rules on the content of the statement.

''(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

''(A) whether the debtor filed the petition in bad faith; or

''(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.''.

(b) DEFINITION.—Title 11, United States Code, is amended—

(1) in section 101, by inserting after paragraph (10) the following:

''(10A) 'current monthly income'—

''(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 180-day period preceding the date of determination; and

''(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent);''; and

(2) in section 704—

(A) by inserting ''(a)'' before ''The trustee shall—''; and

(B) by adding at the end the following:

''(b)(1) With respect to an individual debtor under this chapter—

''(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days before the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

''(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

''(2) The United States trustee or bankruptcy administrator shall not later than 30 days after receiving a statement filed under paragraph (1) file a motion to dismiss or convert under section 707(b), or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be [appropriate. If,] *appropriate, if* based on the filing of such statement with the court, the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

''(A) the highest national or applicable State median family income reported for a family of equal or lesser size, whichever is greater; or

''(B) in the case of a household of 1 person, the national or applicable State median household income for 1 earner, whichever is greater.

''(3)(A) The court shall order the counsel for the debtor to reimburse the panel trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

''(i) a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection; and

''(ii) the court—

''(I) grants that motion; and

''(II) finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified.

''(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

''(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

''(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

''(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

''(ii) determined that the petition—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

''(4)(A) Except as provided in subparagraph (B) and subject to paragraph (5), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee or United States trustee) under this subsection (including reasonable attorneys' fees) if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that brought the motion was not substantially justified; or

''(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

''(5) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have a total current monthly income equal to or less than the national or applicable State median family monthly income calculated on a monthly basis for a family of equal size.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 13.''.

SEC. 103. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

''(b)(1) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter I of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed under section 586 of title 28.

''(2) The notice shall contain the following:

''(A) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

''(B) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee for that district.''.

SEC. 104. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the ''Director'') shall—

(1) consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors; and

(2) develop a financial management training curriculum and materials that may be used to educate individual debtors concerning how to better manage their finances.

(b) TEST.—

(1) IN GENERAL.—The Director shall select 3 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) AVAILABILITY OF CURRICULUM AND MATERIALS.—For a 1-year period beginning not later than 270 days after the date of enactment of this Act, the curriculum and materials referred to in paragraph (1) shall be made available by the Director, directly or indirectly, on request to individual debtors in cases filed during that 1-year period under chapter 7 or 13 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 1-year period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the report of the National Bankruptcy Review Commission issued on October 20, 1997, that are representative of consumer education programs carried out by—

(i) the credit industry;

(ii) trustees serving under chapter 13 of title 11, United States Code; and

(iii) consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding the evaluation under paragraph (1), the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs.

SEC. 105. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the [90-day period] *180-day period* preceding the date of filing of the petition of that individual, received from an approved nonprofit credit counseling service described in section 111(a) an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit credit counseling services for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

''(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved nonprofit credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

''(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy

court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

''(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—''; and

(2) by adding at the end the following:

''(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

''(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).''.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Credit counseling services; financial management instructional courses

''(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and a list of instructional courses concerning personal financial management that have been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Credit counseling services; financial management instructional courses.''.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) If a case commenced under chapter 7, 11, or 13 [of this title] is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.''.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

''(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency acting on behalf of the debtor;

''(B) the offer of the debtor under subparagraph (A)—

''(i) was made at least 60 days before the filing of the petition; and

''(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

''(C) no part of the debt under the alternative repayment schedule is nondischargeable.

''(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

''(A) the creditor unreasonably refused to consider the debtor's proposal; and

''(B) the proposed alternative repayment schedule was made in the 60-day period specified in paragraph (1)(B)(i).''.

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.''.

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).''.

SEC. 203. VIOLATIONS OF THE AUTOMATIC STAY.

Section 362(a) of title 11, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) any communication (other than a recitation of the creditor's legal rights) threatening a debtor (for the purpose of coercing an agreement for the reaffirmation of debt), at any time after the commencement and before the granting of a discharge in a case under this title, of an intention to—

''(A) file a motion to—

''(i) determine the dischargeability of a debt; or

''(ii) under section 707(b), [to] dismiss or convert a case; or

''(B) repossess collateral from the debtor to which the stay applies.''.

SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by inserting ''and'' at the end; and

(iii) by adding at the end the following:

''(C)(i) the consideration for such agreement is based on a wholly unsecured consumer debt; and

''(ii) such agreement contains a clear and conspicuous statement that advises the debtor that—

''(I) the debtor is entitled to a hearing before the court at which—

''(aa) the debtor shall appear in person; and

''(bb) the court shall decide whether the agreement constitutes an undue hardship, is not in the debtor's best interest, or is not the result of a threat by the creditor to take an action that, at the time of the threat, [that] the creditor may not legally take or does not intend to take; and

''(II) if the debtor is represented by counsel, the debtor may waive the debtor's right to a hearing under subclause (I) by signing a statement—

''(aa) waiving the hearing;

''(bb) stating that the debtor is represented by counsel; and

''(cc) identifying the counsel. *;*''; [and]

(B) in paragraph (6)(A)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''*;* and''; and

(iii) by adding at the end the following:

''(iii) not an agreement that the debtor entered into as a result of a threat by the creditor to take an action that, at the time of the threat, the creditor could not legally take or did not intend to take[.]*; except that*''; and

(C) in paragraph (6)(B), by striking ''Subparagraph'' and inserting ''subparagraph''; and

(2) in subsection (d), in the third sentence, by inserting after ''during the course of negotiating an agreement'' the following: ''(or if the consideration by such agreement is based on a wholly secured consumer debt, and the debtor has not waived the right to a hearing under subsection (c)(2)(C))''.

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt

''(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt.

''(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION—The individuals referred to in subsection (a) are—

''(1) a United States attorney for each judicial district of the United States; and

''(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

''(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall have primary responsibility for carrying out the duties of a United States attorney under section 3057.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt.''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

''(f) Nothing in this section or in any other provision of this title shall preempt any State law relating to unfair trade practices that imposes restrictions on creditor conduct that would give rise to liability—

''(1) under this section; or

''(2) under section 524, for failure to comply with applicable requirements for seeking a reaffirmation of debt.

''(g) ACTIONS BY STATES.—The attorney general of a State, or an official or agency designated by a State—

''(1) may bring an action on behalf of its residents to recover damages on their behalf under subsection (d) or section 524(c); and

''(2) may bring an action in a State court to enforce a State criminal law that is similar to section 152 or 157 of title 18.''.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

''(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—

''(A) owed to or recoverable by—

''(i) a spouse, former spouse, or child of the debtor or such child's parent or legal guardian; or

''(ii) a governmental unit;

''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent or legal guardian, without regard to whether such debt is expressly so designated;

''(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

''(i) a separation agreement, divorce decree, or property settlement agreement;

''(ii) an order of a court of record; or

''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent or legal guardian of the child for the purpose of collecting the debt.''.

SEC. [211.] *212.* PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as redesignated, by striking ''Third'' and inserting ''Fourth'';

(6) in paragraph (5), as redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

(9) by inserting before paragraph (2), as redesignated, the following:

''(1) First, allowed *unsecured* claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied *and distributed in accordance with applicable nonbankruptcy law*:

''(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent *or legal guardian* of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or [parent] *such child's parent or legal guardian*, or is filed by a governmental unit on behalf of that person.

''(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent *or legal guardian* of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.''.

SEC. [212.] *213.* REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

[(1) in section 1129(a), by adding at the end the following:

[''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.'';]

(1) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding in the end the following:

''(4) if the debtor is required by judicial or administrative order or statute to pay a domestic support obligation, unless the holder of such claim agrees to a different treatment of such claim, provide for the full payment of—

''(A) all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed; and

''(B) all amounts payable under such order before the date on which such petition was filed, if such amounts are owed directly to a spouse, former spouse, child of the debtor, or a parent or legal guardian of such child.'';

(2) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the plan provides for the full payment of all amounts payable under such order or statute for such obligation that initially become payable after the date on which the petition is filed.'';

(3) in section 1228(a)—

(A) by striking ''(a) As soon as practicable'' and inserting ''(a)(1) Subject to paragraph (2), as soon as practicable'';

(B) by striking ''(1) provided'' and inserting the following:

''(A) provided'';

(C) by striking ''(2) of the kind'' and inserting the following:

''(B) of the kind''; and

(D) by adding at the end the following:

''(2) With respect to a debtor who is required by a judicial or administrative order or statute to pay a domestic support obligation, the court may not grant the debtor a discharge under paragraph (1) until after the debtor certifies that—

''(A) all amounts payable under that order or statute that initially became payable after the date on which the petition was filed (through the date of the certification) have been paid; and

''(B) all amounts payable under that order that, as of the date of the certification, are owed directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child, have been paid, unless the holder of such claim agrees to a different treatment of such claim.'';

[(2)] *(4)* in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, [the debtor has paid] *the plan provides for full payment of* all amounts payable under such order for such obligation that become payable after the date on which the petition is filed.''; and

[(3)] *(5)* in section 1328(a), in the matter preceding paragraph (1), by inserting '', and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, *and with respect to whom the court* certifies that all amounts payable under such order or [statute that are due on or before the date] *statute that initially became payable after the date on which the petition was filed through the date* of the [certification (including amounts due before or after the petition was filed) have been paid'' after ''completion by the debtor of all payments under the plan''.] *certification have been paid, after all amounts payable under that order that, as of the date of certification, are owed directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child have been paid (unless the holder of such claim agrees to a different treatment of such claim),'' after ''completion by the debtor of all payments under the plan''.*

SEC. [213.] *214.* EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement of an action or proceeding for—

''(i) the establishment of paternity [as a part of an effort to collect domestic support obligations]; or

''(ii) the establishment or modification of an order for domestic support obligations; or

''(B) the collection of a domestic support obligation from property that] is not property of the estate;'';

[(2) in paragraph (17), by striking ''or'' at the end;

[(3) in paragraph (18), by striking the period at the end and inserting a semicolon; and

[(4) by inserting after paragraph (18) the following:

[''(19) under subsection (a) with respect to the withholding of income under an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

[''(20) under subsection (a) with respect to—]

(2) by inserting after paragraph (4) the following:

''(5) under subsection (a) with respect to the withholding of income—

''(A) for payment of a domestic support obligation for amounts that initially become payable after the date the petition was filed; and

''(B) for payment of a domestic support obligation for amounts payable before the date the petition was filed, and owed directly to the spouse, former spouse, or child of the debtor, or the parent or guardian of such child;'';

(3) in paragraph (17), by striking ''or'' at the end;

(4) in paragraph (18), by striking the period at the end and inserting ''; or''; and

(5) by inserting after paragraph (18) the following:

''(19) under subsection (a) with respect to—

''(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) [or with respect]*;*

''(B) [to] the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''[(B)] *(C)* the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)), *if such tax refund is payable directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child*; or

''[(C)] *(D) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).''.*

SEC. [214.] *215.* NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

[(1) in subsection (a), by striking paragraph (5) and inserting the following:

[''(5) for a domestic support obligation;'';]

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;'';

(B) in paragraph (15)—

(i) by inserting ''or'' after ''court of record''; and

(ii) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon; and

(2) in subsection (c), by striking ''(6), or (15)'' and inserting ''or (6)''[; and].

[(3) in paragraph (15), by striking ''governmental unit'' and all through the end of the paragraph and inserting a semicolon.]

SEC. [215.] *216.* CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));''; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''.

SEC. [216.] *217.* PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or''.

[SEC. 217. AMENDMENT TO SECTION 1325 OF TITLE 11, UNITED STATES CODE.

[Section 1325(b)(2) of title 11, United States Code, is amended by inserting ''(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law and which is reasonably necessary to be expended)'' after ''received by the debtor''.

[SEC. 218. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

[Section 101 of title 11, United States Code, is amended—

[(1) by striking paragraph (12A); and

[(2) by inserting after paragraph (14) the following:

[''(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—

[''(A) owed to or recoverable by—

[''(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

[''(ii) a governmental unit;

[''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

[''(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

[''(i) a separation agreement, divorce decree, or property settlement agreement;

[''(ii) an order of a court of record; or

[''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

[''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.''.]

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) CONFIRMATION OF PLAN UNDER CHAPTER 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''for a child support, foster care, or disability payment for a dependent child made in accordance with applicable nonbankruptcy law'' after ''dependent of the debtor''.

(b) CONFIRMATION OF PLAN UNDER CHAPTER 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a child support, foster care, or disability payment for a dependent child made in accordance with applicable nonbankruptcy law'' after ''dependent of the debtor''.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent *or legal guardian* of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (a)(10), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. [654] *664* and 666, respectively) for the State in which the holder resides *for assistance in collecting child support during and after the bankruptcy procedures*; [and]

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

''(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor; and

''(III) with respect to the debtor's case, the name of each creditor that holds a claim *that*—

''(aa) [that] is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) [that] was reaffirmed by the debtor under section 524(c).

''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent or legal guardian of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (b)(7), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor; and

''(III) with respect to the debtor's case, the name of each creditor that holds a claim that—

''(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) was reaffirmed by the debtor under section 524(c).

''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent or legal guardian of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (b)(6), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor; and

''(III) with respect to the debtor's case, the name of each creditor that holds a claim that—

''(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) was reaffirmed by the debtor under section 524(c).

''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

[(b)] *(d)* DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, [as amended by section 102(b) of this Act,] is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent *or legal guardian* of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (d).''; and

[(s)] *(2)* by adding at the end the following:

''(d)(1) In any case described in subsection (b)(6), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666, respectively) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim; [and]

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; *and*

''(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor; and

''(III) with respect to the debtor's case, the name of each creditor that holds a claim *that*—

''(aa) [that] is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) [that] was reaffirmed by the debtor under section 524(c).

''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

Subtitle C—Other Consumer Protections

[SEC. 221. DEFINITIONS.

[(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

[(1) by inserting after paragraph (3) the following:

[''(3A) 'assisted person' means any person whose debts consist primarily of consumer debts and whose nonexempt assets are less than $150,000;'';

[(2) by inserting after paragraph (4) the following:

[''(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a proceeding under this title;''; and

[(3) by inserting after paragraph (12A) the following:

[''(12B) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include any person that is any of the following or an officer, director, employee, or agent thereof—

[''(A) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

[''(B) any creditor of the person to the extent the creditor is assisting the person to restructure any debt owed by the person to the creditor; or

[''(C) any depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1751)), or any affiliate or subsidiary of such a depository institution or credit union;''.

[(b) CONFORMING AMENDMENT.—Section 104(b)(1) of title 11, United States Code, is amended by inserting ''101(3),'' after ''sections''.

[SEC. 222. DISCLOSURES.

[(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

[''§ 526. Disclosures

[''(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide the following notices to the assisted person:

[''(1) The written notice required under section 342(b)(1).

[''(2) To the extent not covered in the written notice described in paragraph (1) and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

[''(A) all information the assisted person is required to provide with a petition and thereafter during a case under this title shall be complete, accurate, and truthful;

[''(B) all assets and all liabilities shall be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset, as defined in section 506, shall be stated in those documents if requested after reasonable inquiry to establish such value;

[''(C) total current monthly income, projected monthly net income and, in a case under chapter 13, monthly net income shall be stated after reasonable inquiry; and

[''(D) information an assisted person provides during the case of that person may be audited under this title and the failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

[''(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or a substantially similar statement. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

[''IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

[''If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

[''The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

[''Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a ''trustee'' and by creditors.

[''If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

[''If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

[''If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

[''Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

[''(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which may be provided orally or in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

[''(1) how to value assets at replacement value, determine total current monthly income, projected monthly income and, in a case under chapter 13, net monthly income, and related calculations;

[''(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

[''(3) how to—

[''(A) determine what property is exempt; and

[''(B) value exempt property at replacement value, as defined in section 506.

[''(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for a period of 2 years after the latest date on which the notice is given the assisted person.''.

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525 the following:

[''526. Disclosures.''.

[SEC. 223. DEBTOR'S BILL OF RIGHTS.

[(a) DEBTOR'S BILL OF RIGHTS.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by adding at the end the following:

[''§ 527. Debtor's bill of rights

[''(a)(1) A debt relief agency shall—

[''(A) not later than 5 business days after the first date on which a debt relief agency provides any bankruptcy assistance services to an assisted person, but before that assisted person's petition under this title is filed—

[''(i) execute a written contract with the assisted person specifying clearly and conspicuously the services the agency will provide the assisted person and the basis on which fees or charges will be made for such services and the terms of payment; and

[''(ii) give the assisted person a copy of the fully executed and completed contract in a form the person is able to retain;

[''(B) disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to proceedings under this title, clearly and conspicuously using the statement: 'We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.' or a substantially similar statement; and

[''(C) if an advertisement directed to the general public indicates that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, lease eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt, disclose conspicuously in that advertisement that the assistance is with respect to or may involve proceedings under this title, using the following statement: 'We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.' or a substantially similar statement.

[''(2) For purposes of paragraph (1)(B), an advertisement shall be of bankruptcy assistance services if that advertisement describes or offers bankruptcy assistance with a plan under chapter 12, without regard to whether chapter 13 is specifically mentioned. A statement such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or any other similar statement that would lead a reasonable consumer to believe that help with debts is being offered when in fact in most cases the help available is bankruptcy assistance with a plan under chapter 13 is a statement covered under the preceding sentence.

[''(b) A debt relief agency shall not—

[''(1) fail to perform any service that the debt relief agency has told the assisted person or prospective assisted person the agency would provide that person in connection with the preparation for or activities during a proceeding under this title;

[''(2) make any statement, or counsel or advise any assisted person to make any statement in any document filed in a proceeding under this title, that—

[''(A) is untrue and misleading; or

[''(B) upon the exercise of reasonable care, should be known by the debt relief agency to be untrue or misleading;

[''(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, what services the debt relief agency may reasonably expect to provide that person, or the benefits an assisted person may obtain or the difficulties the person may experience if the person seeks relief in a proceeding under this title; or

[''(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of that person filing a proceeding under this title or in order to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a proceeding under this title.''.

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by inserting after the item relating to section 526 of title 11, United States Code, the following:

[[''527. Debtor's bill of rights.''.

[[SEC. 224. ENFORCEMENT.

[(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by adding at the end the following:

[''§ 528. Debt relief agency enforcement

[''(a) Any waiver by any assisted person of any protection or right provided by or under section 526 or 527 shall be void and may not be enforced by any Federal or State court or any other person.

[''(b)(1) Any contract between a debt relief agency and an assisted person for bankruptcy assistance that does not comply with the material requirements of section 526 or 527 shall be treated as void and may not be enforced by any Federal or State court or by any other person.

[''(2) Any debt relief agency that has been found, after notice and hearing, to have—

[''(A) negligently failed to comply with any provision of section 526 or 527 with respect to a bankruptcy case or related proceeding of an assisted person;

[''(B) provided bankruptcy assistance to an assisted person in a case or related proceeding which is dismissed or converted because the debt relief agency's negligent failure to file bankruptcy papers, including papers specified in section 521; or

[''(C) negligently or intentionally disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such debt relief agency shall be liable to the assisted person in the amount of any fees and charges in connection with providing bankruptcy assistance to such person that the debt relief agency has already been paid on account of that proceeding.

[''(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 526 or 527, the State—

[''(A) may bring an action to enjoin such violation;

[''(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

[''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

[''(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

[''(5) Notwithstanding any other provision of Federal law, if the court, on its own motion or on the motion of the United States trustee, finds that a person intentionally violated section 526 or 527, or engaged in a clear and consistent pattern or practice of violating section 526 or 527, the court may—

[''(A) enjoin the violation of such section; or

[''(B) impose an appropriate civil penalty against such person.

[''(c) This section and sections 526 and 527 shall not annul, alter, affect, or exempt any person subject to those sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency.''.

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by inserting after the item relating to section 527 of title 11, United States Code, the following:

[''528. Debt relief agency enforcement.''.]

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting '', under the direct supervision of an attorney,'' after ''who'';

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

''(A) sign the document for filing; and

''(B) print on the document the name and address of that officer, principal, responsible person or partner.'';

(B) by striking paragraph (2) and inserting the following:

''(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

''(B) The notice under subparagraph (A)—

''(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

''(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

''(iii) shall—

''(I) be signed by—

''(aa) the debtor; and

''(bb) the bankruptcy petition preparer, under penalty of perjury; and

''(II) be filed with any document for filing.'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting ''(2)(A) Subject to subparagraph (B), for purposes''; and

(ii) by adding at the end the following:

''(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer.''; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting ''(d)''; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

''(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

''(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

''(i) whether—

''(I) to file a petition under this title; or

''(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

''(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

''(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

''(iv) concerning—

''(I) the tax consequences of a case brought under this title; or

''(II) the dischargeability of tax claims;

''(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

''(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

''(vii) concerning bankruptcy procedures and rights.'';

(6) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting ''(f)''; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking ''(g)(1)'' and inserting ''(g)''; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(h)(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.'';

(C) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by striking ''Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a'' and inserting ''A'';

(ii) by inserting ''by the bankruptcy petition preparer shall be filed together with the petition,'' after ''perjury''; and

(iii) by adding at the end the following: ''If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).'';

(D) by striking paragraph (3), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

''(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

''(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

''(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

''(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

''(C) An individual may exempt any funds recovered under this paragraph under section 522(b).''; and

(E) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking ''or the United States trustee'' and inserting ''the United States trustee, or the court, on the initiative of the court,'';

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

''(i) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, or United States trustee, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—'';

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking ''a violation of which subjects a person to criminal penalty'';

(ii) in subparagraph (B)—

(I) by striking ''or has not paid a penalty'' and inserting ''has not paid a penalty''; and

(II) by inserting ''or failed to disgorge all fees ordered by the court'' after ''a penalty imposed under this section,'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, or the United States trustee.''; and

(11) by adding at the end the following:

''(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

''(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

''(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

''(B) advised the debtor to use a false Social Security account number;

''(C) failed to inform the debtor that the debtor was filing for relief under this title; or

''(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

''(3) The debtor, the trustee, a creditor, or the United States trustee may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

''(4) All fines imposed under this section shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this paragraph shall be available to fund the enforcement of this section on a national basis.''.

SEC. [225.] *222.* SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. [226.] *223.* ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Section 507(a) of title 11, United States Code, as amended by section [211] *212* of this Act, is amended by inserting after paragraph (9) the following:

''(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.''.

(b) VESSELS.—Section 523(a)(9) of title 11, United States Code, is amended by inserting ''or vessel'' after ''vehicle''.

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 215 of this Act, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(2)(A) any property'' and inserting:

''(3) Property listed in this paragraph is—

''(A) any property'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.'';

(C) in the matter preceding paragraph (2)—

(i) by striking ''(b)'' and inserting ''(b)(1)'';

(ii) by striking ''paragraph (2)'' both places it appears and inserting ''paragraph (3)'';

(iii) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''; and

(iv) by striking ''Such property is—''; and

(D) by adding at the end of the subsection the following:

''(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

''(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

''(ii) A distribution described in this clause is an amount that—

''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount.''; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and

(B) by adding at the end the following:

''(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 214 of this Act, is amended—

(1) in paragraph (18), by striking ''or'' at the end;

(2) in paragraph (19), by striking the period and inserting ''; or'';

(3) by inserting after paragraph (19) the following:

''(20) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title;''; and

(4) by adding at the end of the flush material at the end of the subsection, the following: ''Nothing in paragraph (20) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting ''; or''; and

(3) by adding at the end the following:

''(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

''(f) A plan may not materially alter the terms of a loan described in section 362(b)(20).''.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ''by a court'' and inserting ''on a prisoner by any court'',

(2) by striking ''section 1915(b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915'', and

(3) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

''(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease will terminate with respect to the debtor on the 30th day after the filing of the later case;

''(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

''(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors, if—

''(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

''(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

''(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

''(bb) provide adequate protection as ordered by the court; or

''(cc) perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 [of this title], or any other reason to conclude that the later case will be concluded—

''(aa) if a case under chapter 7 [of this title], with a discharge; or

''(bb) if a case under chapter 11 or 13 [of this title], with a confirmed plan which will be fully performed; and

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

''(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

''(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

''(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

''(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

''(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors if—

''(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

''(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.''.

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section [213] *224* of this Act, is amended—

(1) in paragraph (19), by striking ''or'' at the end;

(2) in paragraph (20), by striking the period at the end; and

(3) by inserting after paragraph (20) the following:

''(21) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

''(22) under subsection (a), of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

''(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.''.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so redesignated *by section 105(d) of this Act*—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) in an individual case under chapter 7 [of this title], not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor within 45 days after the first meeting of creditors under section 341(a)—

''(A) enters into an agreement with the creditor under section 524(c) with respect to the claim secured by such property; or

''(B) redeems such property from the security interest under section 722.''; and

(C) by adding at the end the following:

''(b) [If the debtor] *For purposes of subsection (a)(6), if the debtor* fails to so act within the 45-day period specified in subsection (a)(6), the personal property affected shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate.''; and

(2) in section 722, by inserting ''in full at the time of redemption'' before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking ''(e), and (f)'' and inserting ''(e), (f), and (h)''; and

(B) by redesignating subsection (h), as amended by section 227 of this Act, as subsection (j) and by inserting after subsection (g) the following:

''(h)(1) Subject to paragraph (2), in an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim, or subject to an unexpired lease, if the debtor fails within the applicable period of time set by section 521(a)(2) to—

''(A) file timely any statement of intention required under section 521(a)(2) with respect to that property or to indicate therein that the debtor—

''(i) will either surrender the property or retain the property; and

''(ii) if retaining the property, will, as applicable—

''(I) redeem the property under section 722;

''(II) reaffirm the debt the property secures under section 524(c); or

''(III) assume the unexpired lease under section 365(p) if the trustee does not do so; or

''(B) take timely the action specified in that statement of intention, as the statement may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

''(2) Paragraph (1) shall not apply if the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate.''; and

(2) in section 521, as amended by section 304 of this Act—

(A) in subsection (a)(2), as redesignated *by section 105(d) of this Act*—

(i) by striking ''consumer'';

(ii) in subparagraph (B)—

(I) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first date set for the meeting of creditors under section 341(a)''; and

(II) by striking ''forty-five day period'' and inserting ''30-day period''; and

(iii) in subparagraph (C), by inserting ''except as provided in section 362(h)'' before the semicolon; and

(B) by adding at the end the following:

''(c) If the debtor fails timely to take the action specified in subsection (a)(6), or in paragraph (1) or (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under that lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.''.

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(i) the plan provides that—

''(I) the holder of such claim retain the lien securing such claim until the earlier of—

''(aa) the payment of the underlying debt determined under nonbankruptcy law; or

''(bb) discharge under section 1328; and

''(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and''.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the debt that is the subject of the claim was incurred within the 5-year period preceding the filing of the petition and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 6-month period preceding that filing.''.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section [221] *211* of this Act, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or cooperative unit;''; and

(2) by inserting after paragraph (27), the following:

''(27A) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real estate is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 307. EXEMPTIONS.

Section [522(b)(2)(A)] *522(b)(3)(A)* of title 11, United States Code, *as so designated by section 224 of this Act*, is amended—

(1) by striking ''180'' and inserting ''730''; and

(2) by striking '', or for a longer portion of such 180-day period than in any other place''.

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 307 of this Act, is amended—

(1) in subsection [(b)(2)(A)] *(b)(3)(A)*, by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following:

''(n) For purposes of subsection [(b)(2)(A)] *(b)(3)(A)*, and notwithstanding subsection (a), the value of an interest in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent such value is attributable to any portion of any property that the debtor disposed of in the 730-day period ending on the date of the filing of the petition, with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b) if on such date the debtor had held the property so disposed of.''.

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13—

''(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

''(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.''.

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

''(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

''(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

''(B) If within 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

''(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

''(3) In a case under chapter 11 [of this title] in which the debtor is an individual and in a case under chapter 13 [of this title], if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.''.

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

[(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by inserting after section 1307 the following:

[''§ 1308. Adequate protection in chapter 13 cases

[''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2), to—

[''(i) any lessor of personal property; and

[''(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

[''(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

[''(i) the creditor begins to receive actual payments under the plan; or

[''(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

[''(I) the lessor or creditor; or

[''(II) any third party acting under claim of right.

[''(2) The payments referred to in paragraph (1)(A) shall be the contract amount.

[''(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount, and timing of the dates of payment, of payments made under subsection (a).

[''(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

[''(B) The amount of payments referred to in paragraph (1) shall not be less than the amount of any weekly, biweekly, monthly, or other periodic payment schedules as payable under the contract between the debtor and creditor.

[''(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides for—

[''(1) payments to a creditor or lessor described in subsection (a)(1); and

[''(2) the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

[''(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.

[''(e) On or before the date that is 60 days after the filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide each creditor or lessor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.''.

[(2) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended, in the matter relating to subchapter I, by inserting after the item relating to section 1307 the following:

[''1308. Adequate protection in chapter 13 cases.''.]

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''or'' at the end and inserting ''and''; and

(C) by adding at the end the following:

''(iii) if—

''(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

''(II) the holder of the claim is secured by personal property the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or''.

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

''(a)(1) Unless the court orders otherwise, the debtor shall—

''(A) commence making the payments proposed by a plan within 30 days after the plan is filed; or

''(B) if no plan is filed then as specified in the proof of claim, within 30 days after the order for relief or within 15 days after the plan is filed, whichever is earlier.

''(2) A payment made under this section shall be retained by the trustee until confirmation, denial of confirmation, or paid by the trustee as adequate protection payments in accordance with paragraph (3). If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

''(3)(A) As soon as is practicable, and not later than 40 days after the filing of the case, the trustee shall—

''(i) pay from payments made under this section the adequate protection payments proposed in the plan; or

''(ii) if no plan is filed then, according to the terms of the proof of claim.

''(B) The court may, upon notice and a hearing, modify, increase, or reduce the payments required under this paragraph pending confirmation of a plan.''.

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

''(C)(i) for purposes of subparagraph (A)—

''(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

''(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

''(ii) for purposes of this subparagraph—

''(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

''(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

''(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.''.

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 303(b) of this Act, is amended—

(1) in paragraph (21), by striking ''or'' at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

''(23) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

''(24) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law; or

''(25) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs.''.

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking ''six'' and inserting ''8''; and

(2) in section 1328, by adding at the end the following:

''(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.''.

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

''(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

''(i) clothing;

''(ii) furniture;

''(iii) appliances;

''(iv) 1 radio;

''(v) 1 television;

''(vi) 1 VCR;

''(vii) linens;

''(viii) china;

''(ix) crockery;

''(x) kitchenware;

''(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

''(xii) medical equipment and supplies;

''(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

''(xiv) personal effects (including wedding rings and the toys and hobby equipment of minor dependent children) of the debtor and the dependents of the debtor.

''(B) The term 'household goods' does not include—

''(i) works of art (unless by or of the debtor or the dependents of the debtor);

''(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

''(iii) items acquired as antiques;

''(iv) jewelry (except wedding rings); and

''(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.''.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A)(A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228(a), 1228(b), or 1328(b), or any other provision of this subsection, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt; *except that*

''(B) [except that] all debts incurred to pay nondischargeable debts shall be presumed to be nondischargeable debts if incurred within 70 days before the filing of the petition (except that, in any case in which there is an allowed claim under section 502 for child support or spousal support entitled to priority under section 507(a)(1) and that was filed in a timely manner, debts that would otherwise be presumed to be nondischargeable debts by reason of this subparagraph shall be treated as dischargeable debts);''.

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (4), (3)(B), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(2) by adding at the end the following:

''(d) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

''(e) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (d) with respect to a particular case.

''(f)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

''(2) No sanction under section 362(h) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 305 of this Act, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

''(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

''(vi) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

''(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(2) by adding at the end the following:

''(d)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

''(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

''(B) The court shall make such plan available to the creditor who requests such plan—

''(i) at a reasonable cost; and

''(ii) not later than 5 days after such request.

''(e) An individual debtor in a case under chapter 7 or 13 shall file with the court—

''(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(f)(1) A statement referred to in subsection (e)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

''(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection [(f)] *(g)*.

''(g)(1) Not later than 30 days after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation to—

''(i) further protect the confidentiality of tax information; and

''(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

''(h) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

''(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

''(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.''.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by section 315 of this Act, is amended by adding at the end the following:

''*(i)*(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.''.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

(a) HEARING.—Section 1324 of title 11, United States Code, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) The hearing on confirmation of the plan may be held not later than 45 days after the meeting of creditors under section 341(a).''.

(b) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

''§ 1321. Filing of plan

''Not later than 90 days after the order for relief under this chapter, the debtor shall file a plan, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.''.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Section 1322(d) of title 11, United States Code, is amended to read as follows:

''(d)(1) Except as provided in paragraph (2), the plan may not provide for payments over a period that is longer than 3 years.

''(2) The plan may provide for payments over a period that is longer than 3 years if—

''(A) the plan is for a case that was converted to a case under this chapter from a case under chapter 7, *or the plan is for a debtor who has been dismissed from chapter 7 by reason of section 707(b),* in which case the plan shall provide for payments over a period of 5 years; or

''(B) the plan is for a case that is not described in subparagraph (A), and the court, for cause, approves a period longer than 3 years, but not to exceed 5 years.''.

SEC. 319. SENSE OF THE CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that Rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.''.

SEC. 321. TREATMENT OF CERTAIN EARNINGS OF AN INDIVIDUAL DEBTOR WHO FILES A VOLUNTARY CASE UNDER CHAPTER 11.

Section 541(a)(6) of title 11, United States Code, is amended by inserting ''(other than an individual debtor who, in accordance with section 301, files a petition to commence a voluntary case under chapter 11)'' after ''individual debtor''.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

''§ 1168. Rolling stock equipment

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

''(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured

party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

''§ 1110. Aircraft equipment and vessels

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

''(i) before the date of the order is cured before the expiration of such 60-day period;

''(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

SEC. 402. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, *as amended by section 306(c) of this Act*, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 311 of this Act, is amended—

(1) in paragraph (24), by striking ''or'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (25) the following:

''(26) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements.''.

SEC. 403. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

SEC. 404. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking ''10'' each place it appears and inserting ''30''.

SEC. 405. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.''.

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.''.

SEC. 407. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

''(j)(1) Notwithstanding section 545 (2) and (3), the trustee may not avoid a warehouseman's lien for storage, transportation or other costs incidental to the storage and handling of goods.

''(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code.''.

SEC. 408. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''45''.

SEC. 409. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) by striking ''(A) the; and inserting ''(i) the'';

(2) by striking ''(B)'' and inserting ''(ii)'';

(3) by striking ''(C)'' and inserting ''(iii)'';

(4) by striking ''(D)'' and inserting ''(iv)'';

(5) by striking ''(E)'' and inserting ''(v)'';

(6) in subparagraph (A), by inserting ''to an examiner, trustee under chapter 11, or professional person'' after ''awarded''; and

(7) by adding at the end the following:

''(B) In determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.''.

SEC. 410. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.''.

SEC. 411. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

''(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

''(B) made according to ordinary business terms;'';

(2) in paragraph (7) by striking ''or'' at the end;

(3) in paragraph (8) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.''.

SEC. 412. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting '', or a nonconsumer debt against a noninsider of less than $10,000,'' after ''$5,000''.

SEC. 413. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking ''On'' and inserting ''(1) Subject to paragraph (1), on''; and

(2) by adding at the end the following:

''(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

''(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.''.

SEC. 414. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''but nothing in this paragraph'' and inserting ''or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot, and until such time as the debtor or trustee has surrendered any legal, equitable or possessory interest in such unit, such corporation, or such lot, but nothing in this paragraph''.

SEC. 415. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

[SEC. 416. ELIMINATION OF CERTAIN FEES PAYABLE IN CHAPTER 11 BANKRUPTCY CASES.

[(a) AMENDMENTS.—Section 1930(a)(6) of title 28, United States Code, is amended—

[(1) in the first sentence by striking ''until the case is converted or dismissed, whichever occurs first''; and

[(2) in the second sentence—

[(A) by striking ''The'' and inserting ''Until the plan is confirmed or the case is converted (whichever occurs first) the''; and

[(B) by striking ''less than $300,000;'' and inserting ''less than $300,000. Until the case is converted, dismissed, or closed (whichever occurs first and without regard to confirmation of the plan) the fee shall be''.

[(b) DELAYED EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.]

SEC. [417.] *416.* DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

''(14) 'disinterested person' means a person that—

''(A) is not a creditor, an equity security holder, or an insider;

''(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

''(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;''.

SEC. [418.] *417.* FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3)*(A)* of title 11, United States Code, *as amended by section 409 of this Act*, is amended—

(1) in [subparagraph (D)] *clause (i)*, by striking ''and'' at the end;

(2) by redesignating [subparagraph (E)] *clause (v)* as [subparagraph (F) *clause (vi)*]*; and*

(3) by inserting after [subparagraph (D)] *clause (iv)* the following:

''[(E)] *(v)* with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field;''.

SEC. [419.] *418.* APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

''(B) Upon the filing of a report under subparagraph (A)—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.''.

SEC. 419. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

''(i) a cash deposit;

''(ii) a letter of credit;

''(iii) a certificate of deposit;

''(iv) a surety bond;

''(v) a prepayment of utility consumption; or

''(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

''(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

''(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 20-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

''(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

''(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

''(A) the absence of security before the date of filing of the petition;

''(B) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

''(C) the availability of an administrative expense priority.

''(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.''.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 421. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended by striking subsection (f) and inserting the following:

''(f) Notwithstanding subsection (b), in a small business case—

''(1) in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information;

''(2) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

''(3) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

''(4)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

''(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

''(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.''.

SEC. 422. DEFINITIONS; EFFECT OF DISCHARGE.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, *as amended by section 402 of this Act*, is amended by striking paragraph (51C) and inserting the following:

''(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

''(51D) 'small business debtor'—

''(A) subject to subparagraph (B), means a person (including any affiliate of such person that is also a debtor under this title) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $4,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has appointed under section 1102(a)(1) a committee of unsecured creditors that the court has determined is sufficiently active and representative to provide effective oversight of the debtor; and

''(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $4,000,000 (excluding debt owed to 1 or more affiliates or insiders);''.

[(b) EFFECT OF DISCHARGE.—Section 524 of title 11, United States Code, as amended by section 204 of this Act, is amended by adding at the end the following:

[''(j)(1) An individual who is injured by the willful failure of a creditor to substantially comply with the requirements specified in subsections (c) and (d), or by any willful violation of the injunction operating under subsection (a)(2), shall be entitled to recover—

[''(A) the greater of—

[''(i) the amount of actual damages; or

[''(ii) $1,000; and

[''(B) costs and attorneys' fees.

[''(2) An action to recover for a violation specified in paragraph (1) may not be brought as a class action.''.

[(c)**]** *(b)* CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting ''debtor'' after ''small business''.

SEC. 423. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of the enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 424. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

''§ 308. Debtor reporting requirements

''(1) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

''(2) A small business debtor shall file periodic financial and other reports containing information including—

''(A) the debtor's profitability;

''(B) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

''(C) comparisons of actual cash receipts and disbursements with projections in prior reports;

''(D)(i) whether the debtor is—

''(I) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

''(II) timely filing tax returns and paying taxes and other administrative claims when due; and

''(ii) if the debtor is not in compliance with the requirements referred to in clause (i)(I) or filing tax returns and making the payments referred to in clause (i)(II), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

''(iii) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

''308. Debtor reporting requirements.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 425. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 426. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Title 11, United States Code, is amended by inserting after section 1114 the following:

''§ 1115. Duties of trustee or debtor in possession in small business cases

''In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

''(1) append to the voluntary petition or, in an involuntary case, file within 3 days after the date of the order for relief—

''(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

''(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

''(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

''(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

''(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

''(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

''(6)(A) timely file tax returns;

''(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

''(C) subject to section 363(c)(2), establish 1 or more separate deposit accounts not later than 10 business days after the date of order for relief (or as soon thereafter as possible if all banks contacted decline the business) and deposit therein, not later than 1 business day after receipt thereof, all taxes payable for periods beginning after the date the case is commenced that are collected or withheld by the debtor for governmental units, unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances; and

''(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 11, United States Code, is amended by inserting after the item relating to section 1114 the following:

''1115. Duties of trustee or debtor in possession in small business cases.''.

SEC. 427. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) In a small business case—

''(1) only the debtor may file a plan until after 90 days after the date of the order for relief, unless that period is —

''(A) shortened on request of a party in interest made during the 90-day period;

''(B) extended as provided by this subsection, after notice and hearing; or

''(C) the court, for cause, orders otherwise;

''(2) the plan, and any necessary disclosure statement, shall be filed not later than 90 days after the date of the order for relief; and

''(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

''(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

''(B) a new deadline is imposed at the time the extension is granted; and

''(C) the order extending time is signed before the existing deadline has expired.''.

SEC. 428. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a small business case, the plan shall be confirmed not later than 150 days after the date of the order for relief, unless such 150-day period is extended as provided in section 1121(e)(3).''.

SEC. 429. PROHIBITION AGAINST EXTENSION OF TIME.

Section 105(d) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)[(B)(vi)], by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in a small business case, not extend the time periods specified in sections 1121(e) and 1129(e), except as provided in section 1121(e)(3).''.

SEC. 430. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases;'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) in each of such small business cases—

''(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

''(i) begin to investigate the debtor's viability;

''(ii) inquire about the debtor's business plan;

''(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

''(iv) attempt to develop an agreed scheduling order; and

''(v) inform the debtor of other obligations;

''(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

''(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

''(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.''.

SEC. 431. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, as amended by section 429 of this Act, is amended—

(1) in the matter preceding paragraph (1), by striking '', may'';

(2) by striking paragraph (1) and inserting the following:

''(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and''; and

(3) in paragraph (2), by striking ''unless inconsistent with another provision of this title or with applicable Federal Rules of Bankruptcy Procedure,'' [and inserting ''may'']].

SEC. 432. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, is amended—

(1) in subsection (j), as redesignated by section 305(1) of this Act—

(A) by striking ''An'' and inserting ''(1) Except as provided in paragraph (2), an''; and

(B) by adding at the end the following:

''(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) against such entity shall be limited to actual damages.''; and

(2) by inserting after subsection (j),[as added by section 419 of this Act], the following:

''(k)(1) Except as provided in paragraph (2), the filing of a petition under chapter 11 [of this title] operates as a stay of the acts described in subsection (a) only in an involuntary case involving no collusion by the debtor with creditors and in which the debtor—

''(A) is a debtor in a small business case pending at the time the petition is filed;

''(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

''(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

''(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

''(2) Paragraph (1) does not apply to the filing of a petition if the debtor proves by a preponderance of the evidence that—

''(A) the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

''(B) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.''.

SEC. 433. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in paragraph (2), in subsection (c), and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

''(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

''(A) it is more likely than not that a plan will be confirmed within—

''(i) a period of time fixed under this title or by order of the court entered under section 1121(e)(3); or

''(ii) a reasonable period of time if no period of time has been fixed; and

''(B) if the reason is an act or omission of the debtor that—

''(i) there exists a reasonable justification for the act or omission; and

''(ii)(I) the act or omission will be cured within a reasonable period of time fixed by the court, but not to exceed 30 days after the court decides the motion, unless the movant expressly consents to a continuance for a specific period of time; or

''(II) compelling circumstances beyond the control of the debtor justify an extension.

''(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

''(4) For purposes of this subsection, cause includes—

''(A) substantial or continuing loss to or diminution of the estate;

''(B) gross mismanagement of the estate;

''(C) failure to maintain appropriate insurance;

''(D) unauthorized use of cash collateral harmful to 1 or more creditors;

''(E) failure to comply with an order of the court;

''(F) failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

''(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under Rule 2004 of the Federal Rules of Bankruptcy Procedure;

''(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee;

''(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

''(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

''(K) failure to pay any fees or charges required under chapter 123 of title 28;

''(L) revocation of an order of confirmation under section 1144;

''(M) inability to effectuate substantial consummation of a confirmed plan;

''(N) material default by the debtor with respect to a confirmed plan; and

''(O) termination of a plan by reason of the occurrence of a condition specified in the plan.

''(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.''.

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee is in the best interests of creditors and the estate.''.

SEC. 434. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General of the United States, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 435. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting ''or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later'' after ''90-day period)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) the debtor has commenced monthly payments that—

''(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

''(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or''.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting '', notwithstanding section 301(b)'' before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''A voluntary''; and

(2) by striking the last sentence; and [inserting the following]:

(3) by adding at the end the following:

''(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.''.

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section [901] *901(a)* of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560,'' after ''557,''.

TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

SEC. 601. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and''; and

(2) by adding at the end the following:

''(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

''(B) Those procedures shall—

''(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

''(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

''(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the [disctrict] *district* in which the schedules were filed; and

''(iv) include procedures for providing, not less frequently than annually, public information concerning the aggregate results of the audits referred to in this subparagraph, including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

''(2) The United States trustee for each district may contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

''(3)(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney under section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including commencing an adversary proceeding to revoke the debtor's discharge under section 727(d) of title 11.''.

(b) AMENDMENTS TO SECTION 521 OF TITLE 11, UNITED STATES CODE.—Paragraphs (3) and (4) of section 521(a) of title 11, United States Code, as amended by section 315 of this Act, are each amended by inserting ''or an auditor appointed under section 586 of title 28'' after ''serving in the case'' each place that term appears.

(c) AMENDMENTS TO SECTION 727 OF TITLE 11, UNITED STATES CODE.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit performed under section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and any other papers, things, or property belonging to the debtor that are requested for an audit conducted under section 586(f).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of each district court shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than October 31, 1999, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed under section 2075 and filed by those debtors;

''(B) the total current monthly income, projected monthly net income, and average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

''(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the filing of the petition and the closing of the case;

''(E) for the reporting period—

''(i) the number of cases in which a reaffirmation was filed; and

''(ii)(I) the total number of reaffirmations filed;

''(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

''(III) of the cases under each of subclauses (I) and (II), the number of cases in which the reaffirmation was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders determining the value of property securing a claim issued;

''(ii) the number of cases dismissed for failure to make payments under the plan; and

''(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the date of filing;

''(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

''(H) the number of cases in which sanctions under Rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel and damages awarded under such rule.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 603. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by inserting after section 589a the following:

''§ 589b. Bankruptcy data

''(a) Within a reasonable period of time after the effective date of this section, the Attorney General of the United States shall issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

''(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

''(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

''(b) Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum practicable access of the public, by—

''(1) physical inspection at 1 or more central filing locations; and

''(2) electronic access through the Internet or other appropriate media.

''(c)(1) The information required to be filed in the reports referred to in subsection (b) shall be information that is—

''(A) in the best interests of debtors and creditors, and in the public interest; and

''(B) reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system.

''(2) In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

''(A) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system; and

''(B) economy, simplicity, and lack of undue burden on persons with a duty to file reports.

''(d)(1) Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall include with respect to a case under such title, by appropriate category—

''(A) information about the length of time the case was pending;

''(B) assets abandoned;

''(C) assets exempted;

''(D) receipts and disbursements of the estate;

''(E) expenses of administration;

''(F) claims asserted;

''(G) claims allowed; and

''(H) distributions to claimants and claims discharged without payment.

''(2) In cases under chapters 12 and 13 of title 11, final reports proposed for adoption by trustees shall include—

''(A) the date of confirmation of the plan;

''(B) each modification to the plan; and

''(C) defaults by the debtor in performance under the plan.

''(3) The information described in paragraphs (1) and (2) shall be in addition to such other matters as are required by law for a final report or as the Attorney General, in the discretion of the Attorney General, may propose for a final report.

''(e)(1) Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall include—

''(A) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

''(B) the length of time the case has been pending;

''(C) the number of full-time employees—

''(i) as of the date of the order for relief; and

''(ii) at the end of each reporting period since the case was filed;

''(D) cash receipts, cash disbursements, and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

''(E) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

''(F) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those that would not have been so incurred); and

''(G) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

''(2) The information described in paragraph (1) shall be in addition to such other matters as are required by law for a periodic report or as the Attorney General, in the discretion of the Attorney General, may propose for a periodic report.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''589b. Bankruptcy data.''.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) it should be the national policy of the United States that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public subject to such appropriate privacy concerns and safeguards as the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), by inserting ''(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)'' after ''507(a)(1)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs, and expenses of preserving or disposing of that property.

''(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

''(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(3).

''(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(4).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 702. EFFECTIVE NOTICE TO GOVERNMENT.

(a) EFFECTIVE NOTICE TO GOVERNMENTAL UNITS.—Section 342 of title 11, United States Code, as amended by section 315(a) of this Act, is amended by adding at the end the following:

''(g)(1) If a debtor lists a governmental unit as a creditor in a list or schedule, any notice required to be given by the debtor under this title, applicable rule, other provision of law, or order of the court, shall identify the department, agency, or instrumentality through which the debtor is indebted.

''(2) The debtor shall identify (with information such as a taxpayer identification number, loan, account or contract number, or real estate parcel number, if applicable), and describe the underlying basis for the claim of the governmental unit.

''(3) If the liability of the debtor to a governmental unit arises from a debt or obligation owed or incurred by another individual, entity, or organization, or under a different name, the debtor shall identify that individual, entity, organization, or name.

''(h) The clerk shall keep and update on a quarterly basis, in such form and manner as the Director of the Administrative Office of the United States Courts prescribes, a register in which a governmental unit may designate or redesignate a mailing address for service of notice in cases pending in the district. The clerk shall make such register available to debtors.''.

(b) ADOPTION OF RULES PROVIDING NOTICE.—

(1) IN GENERAL.—Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference shall propose for adoption enhanced rules for providing notice to Federal, State, and local

government units that have regulatory authority over the debtor or that may be creditors in the debtor's case.

(2) PERSONS NOTIFIED.—The rules proposed under paragraph (1) shall be reasonably calculated to ensure that notice will reach the representatives of the governmental unit (or subdivision thereof) who will be the appropriate persons authorized to act upon the notice.

(3) RULES REQUIRED.—At a minimum, the rules under paragraph (1) should require that the debtor—

(A) identify in the schedules and the notice, the subdivision, agency, or entity with respect to which such notice should be received;

(B) provide sufficient information (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit (or subdivision thereof) entitled to receive such notice to identify the debtor or the person or entity on behalf of which the debtor is providing notice in any case in which—

(i) the debtor may be a successor in interest; or

(ii) may not be the same entity as the entity that incurred the debt or obligation; and

(C) identify, in appropriate schedules, served together with the notice—

(i) the property with respect to which the claim or regulatory obligation may have arisen, if applicable;

(ii) the nature of such claim or regulatory obligation; and

(iii) the purpose for which notice is being given.

(c) EFFECT OF FAILURE OF NOTICE.—Section 342 of title 11, United States Code, as amended by subsection (a), is amended by adding at the end the following:

''(i) A notice that does not comply with subsections (d) and (e) shall not be effective unless the debtor demonstrates by clear and convincing evidence that—

''(1) timely notice was given in a manner reasonably calculated to satisfy the requirements of this section; and

''(2) either—

''(A) the notice was timely sent to the address provided in the register maintained by the clerk of the district in which the case was pending for such purposes; or

''(B) no address was provided in such list for the governmental unit and that an officer of the governmental unit who is responsible for the matter or claim had actual knowledge of the case in sufficient time to act.''.

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

The second sentence of section 505(b) of title 11, United States Code, is amended by striking ''Unless'' and inserting ''If the request is made substantially in the manner designated by the governmental unit and unless''.

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 511. Rate of interest on tax claims

''If any provision of this title requires the payment of interest on a tax claim or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be as follows:

''(1) In the case of secured tax claims, unsecured ad valorem tax claims, other unsecured tax claims in which interest is required to be paid under section 726(a)(5), and administrative tax claims paid under section 503(b)(1), the rate shall be determined under applicable nonbankruptcy law.

''(2)(A) In the case of any tax claim other than a claim described in paragraph (1), the minimum rate of interest shall be a percentage equal to the sum of—

''(i) 3; plus

''(ii) the Federal short-term rate rounded to the nearest full percent, determined under section 1274(d) of the Internal Revenue Code of 1986.

''(B) In the case of any claim for Federal income taxes, the minimum rate of interest shall be subject to any adjustment that may be required under section 6621(d) of the Internal Revenue Code of 1986.

''(C) In the case of taxes paid under a confirmed plan or reorganization under this title, the minimum rate of interest shall be determined as of the calendar month in which the plan is confirmed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

''511. Rate of interest on tax claims.''.

SEC. 705. TOLLING OF PRIORITY OF TAX CLAIM TIME PERIODS.

Section 507(a)(8)(A) of title 11, United States Code, [as redesignated by section 212 of this Act,] is amended—

(1) in clause (i), by inserting before the semicolon at the end, the following: '', plus any time during which the stay of proceedings was in effect in a prior case under this title, plus 6 months''; and

(2) by striking clause (ii) and inserting the following:

''(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

''(I) any time during which an offer in compromise with respect to that tax, was pending or in effect during that 240-day period, plus 30 days;

''(II) the lesser of—

''(aa) any time during which an installment agreement with respect to that tax was pending or in effect during that 240-day period, plus 30 days; or

''(bb) 1 year; and

''(III) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 6 months.''.

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(9)(B) of title 11, United States Code, [as redesignated by section 221 of this Act,] is amended by striking ''assessed'' and inserting ''incurred''.

SEC. 707. CHAPTER 13 DISCHARGE OF FRAUDULENT AND OTHER TAXES.

Section 1328(a)(2) of title 11, United States Code, as amended by section [228] *314* of this Act, is amended by inserting ''(1),'' after ''paragraph''.

SEC. 708. CHAPTER 11 DISCHARGE OF FRAUDULENT TAXES.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

''(5) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt for a tax or customs duty with respect to which the debtor—

''(A) made a fraudulent return; or

''(B) willfully attempted in any manner to evade or defeat that tax or duty.''.

SEC. 709. STAY OF TAX PROCEEDINGS.

(a) SECTION 362 STAY LIMITED TO PREPETITION TAXES.—Section 362(a)(8) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: '', with respect to a tax liability for a taxable period ending before the order for relief under section 301, 302, or 303''.

(b) APPEAL OF TAX COURT DECISIONS PERMITTED.—Section 362(b)(9) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(E) the appeal of a decision by a court or administrative tribunal which determines a tax liability of the debtor (without regard to whether such determination was made prepetition or postpetition).''.

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end; and

(2) in subparagraph (C), by striking ''deferred cash payments, over a period not exceeding six years after the date of assessment of such claim,'' and all that follows through the end of the subparagraph, and inserting ''regular installment payments—

''(i) of a total value, as of the effective date of the claim, equal to the allowed amount of such claim in cash, but in no case with a balloon payment; and

''(ii) beginning not later than the effective date of the plan and ending on the earlier of—

''(I) the date that is 5 years after the date of the filing of the petition; or

''(II) the last date payments are to be made under the plan to unsecured creditors; and''; and

(3) by adding at the end the following:

''(D) with respect to a secured claim which would otherwise meet the description on an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).''.

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by striking the semicolon at the end and inserting '', except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law;''.

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Any''; and

(2) by adding at the end the following:

''(b) A tax under subsection (a) shall be paid when due in the conduct of business unless—

''(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches, by the trustee of a bankruptcy estate, under section 554 of title 11; or

''(2) payment of the tax is excused under a specific provision of title 11.

''(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

''(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

''(2) before the due date of the tax, the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.''.

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting ''whether secured or unsecured, including

property taxes for which liability is in rem, in personam, or both,'' before ''except''.

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of a claim described in subparagraph (B) or (C);''.

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting ''or State statute'' after ''agreement''; and

(2) in subsection (c), by inserting '', including the payment of all ad valorem property taxes with respect to the property'' before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking ''before the date on which the trustee commences distribution under this section;'' and inserting the following: ''on or before the earlier of—

''(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

''(B) the date on which the trustee commences final distribution under this section;''.

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting ''or equivalent report or notice,'' after ''a return,'';

(B) in clause (i)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by striking ''or'' at the end; and

(C) in clause (ii)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by inserting '', report, or notice'' after ''return''; and

(2) by adding at the end the following flush sentences:

''For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.''.

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

The second sentence of section 505(b) of title 11, United States Code, as amended by section 703 of this Act, is amended by inserting ''the estate,'' after ''misrepresentation,''.

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by section [212] *213 and 306* of this Act, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by [adding at the end the following:] *inserting after paragraph (7) the following:*

''(8) if the debtor has filed all applicable Federal, State, and local tax returns as required by section 1309.''.

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Chapter 13 of title 11, United States Code, as amended by section 309(c) of this Act, is amended by adding at the end the following:

''§ 1309. Filing of prepetition tax returns

''(a) Not later than the day before the day on which the first meeting of the creditors is convened under section 341(a), the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 3-year period ending on the date of the filing of the petition.

''(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the first meeting of creditors is convened under section 341(a), the trustee may continue that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

''(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that first meeting; or

''(B) for any return that is not past due as of the date of the filing of the petition, the later of—

''(i) the date that is 120 days after the date of that first meeting; or

''(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request has been timely made, according to applicable nonbankruptcy law.

''(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by clear and convincing evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

''(A) a period of not more than 30 days for returns described in paragraph (1); and

''(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

''(c) For purposes of this section, the term 'return' includes a return prepared pursuant to section 6020 (a) or (b) of the Internal Revenue Code of 1986, or a similar State or local law, or written stipulation to a judgment entered by a nonbankruptcy tribunal.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1308 the following:

''1309. Filing of prepetition tax returns.''.

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d), the following:

''(e) Upon the failure of the debtor to file a tax return under section 1309, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss the case.''.

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following '', and except that in a case under chapter 13 [of this title], a claim of a governmental unit for a tax with respect to a return filed under section 1309 shall be timely if the claim is filed on or before the date that is 60 days after that return was filed in accordance with applicable requirements''.

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference should, within a reasonable period of time after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, a governmental unit may object to the confirmation of a plan on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1309 and 1325(a)(7) of title 11, United States Code; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1309 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting ''including a full discussion of the potential material, Federal, State, and local tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor domiciled in the State in which the debtor resides or has its principal place of business typical of the holders of claims or interests in the case,'' after ''records''; and

(2) by striking ''a hypothetical reasonable investor typical of holders of claims or interests'' and inserting ''such a hypothetical investor''.

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by section 402 of this Act, is amended—

(1) in paragraph (25), by striking ''or'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (26) the following:

''(27) under subsection (a), of the setoff of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, unless—

''(A) before that setoff, an action to determine the amount or legality of that tax liability under section 505(a) was commenced; or

''(B) in any case in which the setoff of an income tax refund is not permitted because of a pending action to determine the amount or legality of a tax liability, in which case the governmental unit may hold the refund pending the resolution of the action.''.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

''Sec.
''1501. Purpose and scope of application.
''SUBCHAPTER I—GENERAL PROVISIONS
''1502. Definitions.
''1503. International obligations of the United States.
''1504. Commencement of ancillary case.
''1505. Authorization to act in a foreign country.
''1506. Public policy exception.
''1507. Additional assistance.
''1508. Interpretation.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''1509. Right of direct access.
''1510. Limited jurisdiction.
''1511. Commencement of case under section 301 or 303.
''1512. Participation of a foreign representative in a case under this title.
''1513. Access of foreign creditors to a case under this title.
''1514. Notification to foreign creditors concerning a case under this title.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

''1515. Application for recognition of a foreign proceeding.
''1516. Presumptions concerning recognition.
''1517. Order recognizing a foreign proceeding.
''1518. Subsequent information.
''1519. Relief that may be granted upon petition for recognition of a foreign proceeding.
''1520. Effects of recognition of a foreign main proceeding.
''1521. Relief that may be granted upon recognition of a foreign proceeding.
''1522. Protection of creditors and other interested persons.
''1523. Actions to avoid acts detrimental to creditors.
''1524. Intervention by a foreign representative.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

''1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
''1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
''1527. Forms of cooperation.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

''1528. Commencement of a case under this title after recognition of a foreign main proceeding.
''1529. Coordination of a case under this title and a foreign proceeding.
''1530. Coordination of more than 1 foreign proceeding.
''1531. Presumption of insolvency based on recognition of a foreign main proceeding.
''1532. Rule of payment in concurrent proceedings.

''§ 1501. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies if—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity identified by exclusion in subsection 109(b);

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

''(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970 (84 Stat. 1636 et seq.), a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 1502. Definitions

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title; and

''(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

''§ 1503. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

''§ 1504. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

''§ 1505. Authorization to act in a foreign country

''A trustee or another entity, including an examiner, may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

''§ 1506. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

''§ 1507. Additional assistance

''(a) Subject to the specific limitations under other provisions of this chapter, the court, upon recognition of a foreign proceeding, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

''§ 1508. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''§ 1509. Right of direct access

''(a) A foreign representative is entitled to commence a case under section 1504 by filing a petition for recognition under section 1515, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

''(b) Upon recognition, and subject to section 1510, a foreign representative shall have the capacity to sue and be sued, and shall be subject to the laws of the United States of general applicability.

''(c) Subject to section 1510, a foreign representative is subject to laws of general application.

''(d) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 1515 has been sought and the status of any such petition.

''(e) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

''§ 1510. Limited jurisdiction

''The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

''§ 1511. Commencement of case under section 301 or 303

''(a) Upon recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

''§ 1512. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

''§ 1513. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under section 507 or 726 shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

''§ 1514. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for their filing;

''(2) indicate whether secured creditors need to file their proofs of claim; and

''(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

''§ 1515. Application for recognition of a foreign proceeding

''(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

''§ 1516. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding as defined in section 101 and that the person or body is a foreign representative as defined in section 101, the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

''§ 1517. Order recognizing a foreign proceeding

''(a) Subject to section 1506, after notice and a hearing an order recognizing a foreign proceeding shall be entered if—

''(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

''(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

''(3) the petition meets the requirements of section 1515.

''(b) The foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The case under this chapter may be closed in the manner prescribed for a case under section 350.

''§ 1518. Subsequent information

''After [the] the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

''§ 1519. Relief that may be granted upon petition for recognition of a foreign proceeding

''(a) Beginning on the date on which a petition for recognition is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

''(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''§ 1520. Effects of recognition of a foreign main proceeding

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

''(2) a transfer, an encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552; and

''(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

''(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

''(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

''(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under

this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition of a foreign proceeding

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent the actions or proceedings have not been stayed under section 1520(a);

''(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 1520(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent that right has not been suspended under section 1520(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

''(6) extending relief granted under section 1519(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, if the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"§ 1522. Protection of creditors and other interested persons

''(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(2), to conditions that the court considers to be appropriate, including the giving of security or the filing of a bond.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate the relief referred to in subsection (b).

''(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

''(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§ 1527. Forms of cooperation

''Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a), and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

''In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

''(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

''(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

''(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

''(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

''In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''15. Ancillary and Other Cross-Border Cases ..... 1501''.

SEC. 802. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 304, 555 through 557, 559, and 560 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(j) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1513 and 1514 apply in all cases under this title; and

''(2) section 1505 applies to trustees and to any other entity (including an examiner) authorized by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapter 9 who are authorized to act under section 1505.''.

(b) DEFINITIONS.—Paragraphs (23) and (24) of section 101 of title 11, United States Code, are amended to read as follows:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c)(1) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting ''15,'' after ''chapter''.

SEC. 803. CLAIMS RELATING TO INSURANCE DEPOSITS IN CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, is amended to read as follows:

''§ 304. Cases ancillary to foreign proceedings

''(a) For purposes of this section—

''(1) the term 'domestic insurance company' means a domestic insurance company, as such term is used in section 109(b)(2);

''(2) the term 'foreign insurance company' means a foreign insurance company, as such term is used in section 109(b)(3);

''(3) the term 'United States claimant' means a beneficiary of any deposit referred to in subsection (b) or any multibeneficiary trust referred to in subsection (b);

''(4) the term 'United States creditor' means, with respect to a foreign insurance company—

''(i) a United States claimant; or

''(ii) any business entity that operates in the United States and that is a creditor; and

''(5) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

''(b) The court may not grant relief under chapter 15 of this title with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.''.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) a combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) an option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B) or (C); or

''(E) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract, option, agreement, or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract, option, agreement, or transaction on the date of the filing of the petition;'';

(B) by striking paragraph (47) and inserting the following:

''(47) 'repurchase agreement' and 'reverse repurchase agreement'—

''(A) mean—

''(i) an agreement, including related terms, which provides for the transfer of—

''(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible bankers' acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

''(II) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers' acceptance, security, loan, or interest;

with a simultaneous agreement by such transferee to transfer to the transferor thereof a certificate of deposit, eligible bankers' acceptance, security, loan, or interest of the kind described in subclause (I) or (II), at a date certain that is not later than 1 year after the date of the transferor's transfer or on demand, against the transfer of funds;

''(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii); or

''(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that such master netting agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), or (iii); or

''(v) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) do not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(C) in paragraph (48) by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission'' after ''1934''; and

(D) by striking paragraph (53B) and inserting the following:

''(53B) 'swap agreement'—

''(A) means—

''(i) an agreement, including the terms and conditions incorporated by reference in such agreement, that is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or an equity swap, option, future, or forward agreement;

''(V) a debt index or a debt swap, option, future, or forward agreement;

''(VI) a credit spread or a credit swap, option, future, or forward agreement; or

''(VII) a commodity index or a commodity swap, option, future, or forward agreement;

''(ii) an agreement or transaction that is similar to an agreement or transaction referred to in clause (i) that—

''(I) is currently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on a rate, currency, commodity, equity security, or other equity instrument, on a debt security or other debt instrument, or on an economic index or measure of economic risk or value;

''(iii) a combination of agreements or transactions referred to in clauses (i) and (ii);

''(iv) an option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master netting agreement and without regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement; except that

''(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.'';

(2) in section 741, by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a mortgage loan or an interest in a mortgage loan, a group or index of securities, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

''(ii) an option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

''(iv) a margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) a combination of the agreements or transactions referred to in this subparagraph;

''(vii) an option to enter into an agreement or transaction referred to in this subparagraph;

''(viii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master netting agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include a purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); *and*

[(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

[(C)] *(B)* by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) a combination of the agreements or transactions referred to in this paragraph;

''(H) an option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that such master netting agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition.''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, *as amended by section 802(b) of this Act*, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A)(i) a Federal reserve bank, or an entity that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

''(ii) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

''(B) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means an entity that is a party to a securities contract, commodity contract or forward contract, or on the date of the filing of the petition, has a commodity contract (as defined in section 761) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in any such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing or in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, *as amended by subsection (b) of this section*, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) the term 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

''(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

''(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by section 718 of this Act, is amended—

(A) in paragraph (6), by inserting '', pledged to, and under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, and under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle a swap agreement;'';

(D) in paragraph (26), by striking ''or'' at the end;

(E) in paragraph (27), by striking the period at the end and inserting ''; or''; and

(F) by inserting after paragraph (27) the following:

''(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged or and under the control of, or due from such master netting agreement participant to margin, guarantee,

secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by section 432(2) of this Act, is amended by adding at the end the following:

''(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311 (104 Stat. 267 et seq.))—

(A) by striking ''under a swap agreement''; and

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(2) by inserting before subsection (i) (as redesignated by section 407 of this Act) the following new subsection:

''(h) Notwithstanding sections 544, 545, 547, 548(a)(2)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement (except under section 548(a)(1)(A)).''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting following:

''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of a swap agreement''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of a swap agreement''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following [new section]:

''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

''(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7 [of this title]—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent that the party has [no] positive net equity in the commodity accounts at the debtor, as calculated under *such* subchapter IV; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements referred to in subsection (a).

''(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

(l) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following:

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms—

''(1) shall not be stayed or otherwise limited by—

''(A) operation of any provision of this title; or

''(B) order of a court in any case under this title;

''(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11; and

''(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.''.

(m) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(n) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(o) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)[(19)] *(28)*, 555, 556, 559, or 560)'' before the period; and

(2) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), [362(b)(19)] *362(b)(28)*, 555, 556, 559, 560,''.

(p) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant'';

(2) in section 546(e), by inserting ''financial participant'' after ''financial institution,'';

(3) in section 548(d)(2)(B), by inserting ''financial participant'' after ''financial institution,'';

(4) in section 555—

(A) by inserting ''financial participant'' after ''financial institution,''; and

(B) by inserting before the period '', a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice''; and

(5) in section 556, by inserting '', financial participant'' after ''commodity broker''.

(q) CONFORMING AMENDMENTS.—Title 11 [of the United States Code], *United States Code,* is amended—

(1) in the table of sections for chapter 5—

(A) by striking the items relating to sections 555 and 556 and inserting the following:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

(B) by striking the items relating to sections 559 and 560 and inserting the following:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(C) by adding after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 902. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

''§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

''If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761) repurchase agreement, or master netting agreement under section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date of such liquidation, termination, or acceleration.''; and

(2) in the table of sections for chapter 5 by inserting after the item relating to section 561 the following:

''562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 561 shall be allowed under subsection (a), (b), or (c) of this section, or disallowed under subsection (d) or (e) of this section, as if such claim had arisen before the date of the filing of the petition.''.

SEC. 903. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking ''or'' at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

(4) by adding at the end the following [new subsection]:

''(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent that such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or''; and

''(e) For purposes of this section, the following definitions shall apply:

''(1) The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer.

''(2) The term 'eligible asset' means—

''(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

''(B) cash; and

''(C) securities.

''(3) The term 'eligible entity' means—

''(A) an issuer; or

''(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto.

''(4) The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

''(5) The term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

''(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

''(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

''(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.''.

SEC. 904. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS

SEC. 1001. REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on [April 1, 1999] *October 1, 1999.*

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

''(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.''.

SEC. 1003. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking ''the taxable year preceding the taxable year'' and inserting ''at least 1 of the 3 calendar years preceding the year''.

SEC. 1004. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim; and''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(d) of title 11, United States Code, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1004(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27C); and

(2) inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) health maintenance organization;

''(V) home health agency; and

''(VI) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), (IV), or (V); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domicilary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) HEALTH MAINTENANCE ORGANIZATION DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a), is amended by inserting after paragraph (27A) the following:

''(27B) 'health maintenance organization' means any person that undertakes to provide or arrange for basic health care services through an organized system that—

''(A)(i) combines the delivery and financing of health care to enrollees; and

''(ii)(I) provides—

''(aa) physician services directly through physicians or 1 or more groups of physicians; and

''(bb) basic health care services directly or under a contractual arrangement; and

''(II) if reasonable and appropriate, provides physician services and basic health care services through arrangements other than the arrangements referred to in clause (i); and

''(B) includes any organization described in subparagraph (A) that provides, or arranges for, health care services on a prepayment or other financial basis;''.

(c) PATIENT.—Section 101 of title 11, United States Code, as amended by subsection (b), is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any person who obtains or receives services from a health care business;''.

(d) PATIENT RECORDS.—Section 101 of title 11, United States Code, as amended by subsection (c), is amended by inserting after paragraph (40A) the following:

''(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;''.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall mail, by certified mail, a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

''(2) If no appropriate Federal or State agency agrees to permit the deposit of patient records referred to in paragraph (1) by the date that is 60 days after the trustee mails a written request under that paragraph, the trustee shall—

''(A) publish notice, in 1 or more appropriate newspapers, that if those patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 60 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the 60-day period described in subparagraph (A), the trustee shall attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

''(3) If, after providing the notification under paragraph (2), patient records are not claimed during the 60-day period described in paragraph (2)(A) or in any case in which a notice is mailed under paragraph (2)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

''351. Disposal of patient records.''.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.''.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

''§ 332. Appointment of ombudsman

''(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman to represent the interests of the patients of the health care business.

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

''(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

''(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

''332. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting ''an ombudsman appointed under section 331, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking ''and 704(9)'' and inserting ''704(9), and 704(10)''.

TITLE [XII] XI—TECHNICAL AMENDMENTS

SEC. [1201.] 1101. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section [1101] *1003* of this Act, is amended—

(1) by striking ''In this title—'' and inserting ''In this title:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A) and (38), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (55), including paragraph (54), as amended by paragraph (6) of this section, in entirely numerical sequence.

SEC. [1202.] 1102. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3), [707(b)(5),]'' after ''522(d),'' each place it appears.

SEC. [1203.] 1103. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. [1204.] 1104. TECHNICAL AMENDMENTS.

Title 11, [of the] United States Code, is amended—

(1) in section 109(b)(2), by striking ''subsection (c) or (d) of''; *and*

[(2) in section 541(b)(4), by adding ''or'' at the end; and]

[(3)] *(2)* in section 552(b)(1), by striking ''product'' each place it appears and inserting ''products''.

SEC. [1205.] 1105. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking ''attorney's'' and inserting ''attorneys'''.

SEC. [1206.] 1106. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. [1207.] 1107. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking '', except'' and all that follows through ''1986''.

SEC. [1208.] 1108. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. [1209.] 1109. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 1210. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by sections 211 and 229 of this Act, is amended—

(1) in paragraph (4)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (8), by inserting ''unsecured'' after ''allowed''.

SEC. 1211. EXEMPTIONS.

Section 522(g)(2) of title 11, United States Code, as amended by section 311 of this Act, is amended by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. [1212.] 1110. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by section [229] *714* of this Act, is amended—

(1) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert [it] *such paragraph* after paragraph (14) of subsection (a);

(2) in subsection (a)—

(A) in paragraph (3), by striking ''or (6)'' each place it appears and inserting ''(6), or (15)'';

(B) in paragraph (9), by striking ''motor vehicle or vessel'' and inserting ''motor vehicle, vessel, or aircraft''; and

(C) in paragraph (15), as so redesignated by paragraph (1) of this subsection, by inserting ''to a spouse, former spouse, or child of the debtor and'' after ''(15)''; and

(2) in subsection (a)(9), by striking ''motor vehicle or vessel'' and inserting ''motor vehicle, vessel, or aircraft''; and

(3) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. [1213.] 1111. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1), or that''.

SEC. [1214.] 1112. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. [1215.] 1113. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. [1216.] 1114. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, *as amended by section 201(b) of this Act*, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (i)''; and

(2) by adding at the end the following:

''(i) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that pending or commenced on or after the date of enactment of this Act.

SEC. [1217.] 1115. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'';

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. [1218.] 1116. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. [1219.] 1117. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section [901(k)] *502* of this Act, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. [1220.] 1118. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. [1221.] 1119. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. [1222.] 1120. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. [1223.] 1121. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. [1224.] 1122. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before '''bankruptcy''; and

(B) by striking the period at the end and inserting ''; and''; and

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before '''document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. [1225.] 1123. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by section 212 of this Act, is amended by adding at the end the following:

''(15) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

''(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if

the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. [1226.] 1124. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''30''.

SEC. [1227.] 1125. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. [1228.] 1126. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 1999''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship positions.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.''.

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following:

''(g)(1) In this subsection, the term 'travel expenses'—

''(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

''(B) shall not include the travel expenses of a bankruptcy judge if—

''(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

''(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

''(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

''(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

''(B) The annual report under this paragraph shall include—

''(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

''(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

''(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

''(4)(A) The Director of the Administrative Office of the United States Courts shall—

''(i) consolidate the reports submitted under paragraph (3) into a single report; and

''(ii) annually submit such consolidated report to Congress.

''(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).''.

TITLE [XIII] XII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. [1301.] 1201. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

WYDEN AMENDMENT NO. 2255

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

On page 106, line 25, strike ''COMMERCIAL AVIATION'' and insert ''Additional Compensation''.

On page 107, line 1, beginning with ''If'' strike all through ''additional'' on line 2, and insert ''Additional''.

On page 107, line 21, strike ''caused during commercial aviation occurring after July 16, 1996'' and insert ''occurring after November 23, 1995''.

BURNS (AND ASHCROFT) AMENDMENT NO. 2256

Mr. MCCAIN (for Mr. BURNS (for himself and Mr. ASHCROFT)) proposed an amendment to the bill S. 82, supra; as follows:

SECTION 1. SHORT TITLE.

This title may be cited as the ''Improved Consumer Access to Travel Information Act''.

SEC. 2. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(b) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(c) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) consumer access to information about the products and services of the airline industry;

(B) the effect on the marketplace on the emergency of new means of distributing such products and services;

(C) the effect on consumers of the declining financial condition of travel agents in the United States; and

(D) the impediments imposed by the airline industry on distributors of the industry's products and services, including travel agents and Internet-based distributors.

(2) POLICY RECOMMENDATIONS.—Based on the results of the study described in paragraph (1), the Commission shall recommend to the President and Congress policies necessary to—

(A) ensure full consumer access to complete information concerning airline fares, routes, and other services;

(B) ensure that the means of distributing the products and services of the airline industry, and of disseminating information about such products and services, is adequate to ensure that competitive information is available in the marketplace;

(C) ensure that distributors of the products and services of the airline industry have adequate relief from illegal, anticompetitive practices that occur in the marketplace; and

(D) foster healthy competition in the airline industry and the entry of new entrants.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—In carrying out the study authorized under subsection (c)(1), the Commission shall specifically address the following:

(1) CONSUMER ACCESS TO INFORMATION.—With respect to consumer access to information regarding the services and products offered by the airline industry, the following:

(A) The state of such access.

(B) The effect in the 5-year period following the date of the study of the making of alliances in the airline industry.

(C) Whether and to what degree the trends regarding such access will produce benefits to consumers.

(2) MEANS OF DISTRIBUTION.—With respect to the means of distributing the products and services of the airline industry, the following:

(A) The state of such means of distribution.

(B) The roles played by travel agencies and Internet-based providers of travel information and services in distributing such products and services.

(C) Whether the policies of the United States promote the access of consumers to multiple means of distribution.

(3) AIRLINE RESERVATION SYSTEMS.—With respect to airline reservation systems, the following:

(A) The rules, regulations, policies, and practices of the industry governing such systems.

(B) How trends in such systems will affect consumers, including—

(i) the effect on consumer access to flight reservation information; and

(ii) the effect on consumers of the use by the airline industry of penalties and promotions to convince distributors to use such systems, and the degree of consumer awareness of such penalties and promotions.

(4) LEGAL IMPEDIMENTS TO DISTRIBUTORS SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—The policies of the United States with respect to the legal impediments to distributors seeking relief for anticompetitive actions, including—

(A) Federal preemption of civil actions against airlines; and

(B) the role of the Department of Transportation in enforcing rules against anticompetitive practices.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

(A) 5 voting members and 1 nonvoting member appointed by the President.

(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Voting members appointed under paragraph (1) shall be appointed from among individuals who are experts in economics, service product distribution, or transportation, or any related discipline, and who can represent consumers, passengers, shippers, travel agents, airlines, or general aviation.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairperson of the Commission (referred to in this Act as the ''Chairperson'') from among its voting members.

(f) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of voting members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(g) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(i) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(j) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(k) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c)(2).

(l) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (k). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(m) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

INHOFE AMENDMENT NO. 2257

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

On page 132, line 4, strike ''is authorized to'' and insert ''shall''.

BAUCUS AMENDMENT NO. 2258

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the end of title IV of the Manager's substitute amendment, add the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Recreational use of public lands is increasing in the United States and Canada.

(2) The increased recreational use can benefit local economies and create jobs.

(3) Increased recreational use can also bring the public into greater contact with grizzly bears and black bears.

(4) These conflicts can cause harm to recreational users and wildlife alike.

(5) United States companies produce pepper spray devices that have been demonstrated to reduce the severity and injury of these conflicts to both people and wildlife.

(6) These companies contribute to local economies and provide employment in distressed areas.

(7) Current Federal regulations prohibit airline passengers from carrying pepper spray devices in checked baggage that are of sufficient size to deter bears, thereby creating a disincentive to the use of these pepper spray devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Federal regulations should be changed to allow these types of pepper spray devices to be carried in checked baggage on domestic airlines consistent with the interests of passenger safety.

ROBB (AND OTHERS) AMENDMENT NO. 2259

Mr. ROBB (for himself, Mr. SARBANES, Ms. MIKULSKI, and Mr. WARNER) proposed an amendment to amendment No. 1892 proposed by Mr. Gorton to the bill, S. 82, supra; as follows:

Beginning on page 12 of the amendment, strike line 18 and all that follows through page 19, line 2, and redesignate the remaining subsections and references thereto accordingly.

WYDEN AMENDMENTS NOS. 2260–2262

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2260

On page 106, strike line 25 and all that follows through the comma on page 107, line 2.

On page 107, line 21, strike ''caused during commercial aviation''.

AMENDMENT NO. 2261

On page 106, strike line 25 and all that follows through ''additional'' on page 107, line 2 and insert the following:

''(b) ADDITIONAL COMPENSATION.—

''(1) IN GENERAL.—Additional''.

On page 107, line 21, strike ''caused during commercial aviation occurring after July 16, 1996'' and insert ''occurring after November 23, 1995''.

AMENDMENT NO. 2262

On page 106, beginning on line 25, strike all through page 107, line 21, and insert the following:

''(b) ADDITIONAL COMPENSATION.—

''(1) IN GENERAL.—Additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

''(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

''(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death occurring after November 23, 1995.

ABRAHAM AMENDMENT NO. 2263

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

SEC. . REPEAL OF LIMIT ON SLOTS FOR BASIC ESSENTIAL AIR SERVICE AT CHICAGO O'HARE AIRPORT.

49 United States Code section 41714(a)(3) is amended by striking ''except that the Secretary shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service (including slots specifically designated as essential air service slots and slots for such purposes) to and from such airport is at least 132 slots''.

FITZGERALD (AND DURBIN) ABRAHAM AMENDMENT NO. 2264

Mr. FITZGERALD (for himself and Mr. DURBIN) proposed an amendment to the bill, S. 82, supra; as follows:

On page 5, beginning with ''apply—'' in line 15, strike through line 19 and insert ''apply after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.''.

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

''§ 41718. Special Rules for Chicago O'Hare International Airport

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of amendment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(2) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike ''(B)'' and insert ''(A).

On page 19, line 13, strike ''(C)'' and insert ''(B).

On page 19, line 15, strike ''(D)'' and insert ''(C).

COVERDELL AMENDMENT NO. 2265

Mr. MCCAIN (for Mr. COVERDELL) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place in the Manager's substitute amendment, insert the following:

SEC. . AVAILABILITY OF FUNDS FOR GEORGIA'S REGIONAL AIRPORT ENHANCEMENT PROGRAM.

Of the amounts made available to the Secretary of Transportation for the fiscal year 2000 under section 48103 of title 49, United States Code, Funds may be available for Georgia's regional airport enhancement program for the acquisition of land.

MCCAIN (AND OTHERS) AMENDMENTS NO. 2266

Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mr. GORTON, and Mr. ROCKEFELLER) proposed an amendment to the bill, S. 82, supra; as follows:

On page 7, line 5 beginning with ''striking'' strike through ''1999,'' in line 8 and insert ''striking '1999.' and inserting '1999,' ''.

On page 7, line 14, strike '''August 6, 1999' '' and insert '''September 30, 1999,' ''.

On page 111 beginning with line 1, strike through line 12 on page 112.

On page 180, after line 15, insert the following:

(3) QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.—

(A) QUIET TECHNOLOGY REQUIREMENTS.—Within 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as emloying quiet aircraft technology for purposes of this section. If no requirements are promulgated as mandated by this paragraph, then beginning 9 months after enactment of this Act and until the provisions of this paragraph are met, any aircraft shall be considered to be in compliance with this paragraph.

(B) ROUTES OF CORRIDORS.—The Administrator shall by rule establish routes or corridors for commercial air tours (as defined in section 4012(d)(1) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(i) tours of the Grand Canyon originating in Clark County, Nevada; and

(ii) ''local loop'' tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona.

(C) OPERATIONAL CAPS AND EXPANDED HOURS.—Commercial air tours (as so defined) by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft—

(i) shall not be subject to operational flight allocations applicable to other commercial air tours of the Grand Canyon; and

(ii) may be conducted during the hours from 7:00 a.m. to 7:00 p.m.

(D) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour (as so defined) by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of enactment of this Act that meets the requirements designated under the personally (a), or is subsequently modified to meet the requirements designated under subparagraph (A) may be used for commercial air tours under the same terms and conditions as a replacement aircraft under subparagraph (C) without regard to whether it replaces an existing aircraft.

(E) GOAL OF RESTORING NATURAL QUIET.—Nothing in this paragraph reduces the goal, established for the Federal Aviation Administration and the National Park Service under Public Law 100–91 (16 U.S.C. 1a–1 note), of achieving substantial restoration of the natural quiet at the Grand Canyon National Park.

At the appropriate place, insert the following:

TITLE —AIRLINE CUSTOMER SERVICE COMMITMENT

SEC. 01. AIRLINE CUSTOMER SERVICE REPORTS.

(a) SECRETARY TO REPORT PLANS RECEIVED.—Each air carrier that provides scheduled passenger air transportation and that is a member of the Air Transport Association, all of which have entered into the voluntary customer service commitments established by the Association on June 17, 1999, (hereinafter referred to as the ''Airline Customer Service Commitment''), shall provide a copy of its individual customer service plan to the Secretary of Transportation by September 15, 1999. The Secretary, upon receipt of the individual plans, shall report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure the receipt of each such plan and transmit a copy of each plan.

(b) IMPLEMENTATION.—The Inspector General of the Department of Transportation shall monitor the implementation of any plan submitted to the Secretary under subsection (a) and evaluate the extent to which each such carrier has met its commitments under its plan. Each such carrier shall provide such information to the Inspector General as may be necessary for the Inspector General to prepare the report required by subsection (c).

(c) REPORTS TO THE CONGRESS.—

(1) INTERIM REPORT.—The Inspector General shall submit a report of the Inspector

General's findings under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure by June 15, 2000, that includes a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual airline plans to carry it out. The report shall include a review of whether each air carrier has modified its contract of carriage or conditions of contract to reflect each item of the Airline Customer Service Commitment.

(2) FINAL REPORT; RECOMMENDATIONS.—

(A) IN GENERAL.—The Inspector General shall submit a final report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure by December 31, 2000, on the effectiveness of the Airline Customer Service Commitment and the individual airline plans to carry it out, including recommendations for improving accountability, enforcement, and consumer protections afforded to commercial air passengers.

(B) SPECIFIC CONTENT.—In the final report under subparagraph (A), the Inspector General shall—

(i) evaluate each carrier's plan for whether it is consistent with the voluntary commitments established by the Air Transport Association in the Airline Customer Service Commitment.

(ii) evaluate each carrier as to the extent to which, and the manner in which, it has performed in carrying out its plan;

(iii) identify, by air carrier, how it has implemented each commitment covered by its plan; and

(iv) provide an analysis, by air carrier, of the methods of meeting each commitment, and in such analysis provide information that allows consumers to make decisions on the quality of air transportation provided by such carriers.

SEC. 02. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.

The Secretary of Transportation shall initiate a rule making within 30 days after the date of enactment of this Act to increase the domestic baggage liability limit in part 254 of title 14, Code of Federal Regulations.

SEC. 03. INCREASED PENALTY FOR VIOLATION OF AVIATION CONSUMER PROTECTION LAWS.

Section 46301(a), as amended by section 407 of this Act, is amended by adding at the end thereof the following:

''(8) CONSUMER PROTECTION.—For a violation of section 41310, 41712, any rule or regulation promulgated thereunder, or any other rule or regulation promulgated by the Secretary of Transportation that is intended to afford protection to commercial air transportation consumers, the maximum civil penalty prescribed by subsection (a) may not exceed $2,500 for each violation.''.

SEC. 04. COMPTROLLER GENERAL INVESTIGATION.

The Comptroller General of the United States shall study the potential effects on aviation consumers, including the impact on fares and service to small communities, of a requirement that air carriers permit a ticketed passenger to use any portion of a multiple-stop or round-trip air fare for transportation independent of any other portion without penalty. The Comptroller General shall submit a report, based on the study, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure by June 15, 2000.

SEC. 05. FUNDING OF ENFORCEMENT OF AIRLINE CONSUMER PROTECTIONS.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

''§ 48112. Consumer protection

''There are authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for the purpose of ensuring compliance with, and enforcing, the rights of air travelers under sections 41310 and 41712 of this title—

''(1) $2,300,000 for fiscal year 2000;

''(2) $2,415,000 for fiscal year 2001;

''(3) $2,535,750 for fiscal year 2002; and

''(2) $2,662,500 for fiscal year 2003.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 481 is amended by adding at the end thereof the following:

''48112. Consumer protection''.

At the appropriate place, add the following new title:

TITLE ____—PENALTIES FOR UNRULY PASSENGERS

SEC. ___01. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46317. Interference with cabin or flight crew

''(a) GENERAL RULE.—

''(1) IN GENERAL.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

''(b) COMPROMISE AND SETOFF.—

''(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

''(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 is amended by adding at the end the following:

''46317. Interference with cabin or flight crew.''.

SEC. ___02. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102.

(3) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—The Attorney General may—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

SEC. ___. STUDY AND REPORT ON AIRCRAFT NOISE.

Not later than December 31, 2002, the Secretary of Transportation shall conduct a study and report to Congress on—

(1) airport noise problems in the United States;

(2) the status of cooperative consultations and agreements between the Federal Aviation Administration and the International

Civil Aviation Organization on stage 4 aircraft noise levels; and

(3) the feasibility of proceeding with the development and implementation of a timetable for air carrier compliance with stage 4 aircraft noise requirements.

TITLE ___—AIRLINE COMMISSION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Improved Consumer Access to Travel Information Act''.

SEC. ___02. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) consumer access to information about the products and services of the airline industry;

(B) the effect on the marketplace of the emergence of new means of distributing such products and services;

(C) the effect on consumers of the declining financial condition of travel agents in the United States; and

(D) the impediments imposed by the airline industry on distributors of the industry's products and services, including travel agents and Internet-based distributors.

(2) POLICY RECOMMENDATIONS.—Based on the results of the study described in paragraph (1), the Commission shall recommend to the President and Congress policies necessary to—

(A) ensure full consumer access to complete information concerning airline fares, routes, and other services;

(B) ensure that the means of distributing the products and services of the airline industry, and of disseminating information about such products and services, is adequate to ensure that competitive information is available in the marketplace;

(C) ensure that distributors of the products and services of the airline industry have adequate relief from illegal, anticompetitive practices that occur in the marketplace; and

(D) foster healthy competition in the airline industry and the entry of new entrants.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—In carrying out the study authorized under subsection (b)(1), the Commission shall specifically address the following:

(1) CONSUMER ACCESS TO INFORMATION.—With respect to consumer access to information regarding the services and products offered by the airline industry, the following:

(A) The state of such access.

(B) The effect in the 5-year period following the date of the study of the making of alliances in the airline industry.

(C) Whether and to what degree the trends regarding such access will produce benefits to consumers.

(2) MEANS OF DISTRIBUTION.—With respect to the means of distributing the products and services of the airline industry, the following:

(A) The state of such means of distribution.

(B) The roles played by travel agencies and Internet-based providers of travel information and services in distributing such products and services.

(C) Whether the policies of the United States promote the access of consumers to multiple means of distribution.

(3) AIRLINE RESERVATION SYSTEMS.—With respect to airline reservation systems, the following:

(A) The rules, regulations, policies, and practices of the industry governing such systems.

(B) How trends in such systems will affect consumers, including—

(i) the effect on consumer access to flight reservation information; and

(ii) the effect on consumers of the use by the airline industry of penalties and promotions to convince distributors to use such systems, and the degree of consumer awareness of such penalties and promotions.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

(A) 5 voting members and 1 nonvoting member appointed by the President.

(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate

(2) QUALIFICATIONS.—Voting members appointed under paragraph (1) shall be appointed from among individuals who are experts in economics, service product distribution, or transportation, or any related discipline, and who can represent consumers, passengers, shippers, travel agents, airlines, or general aviation.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairperson of the Commission (referred to in this title as the ''Chairperson'') from among its voting members.

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of voting members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (b)(2).

(k) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(l) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

On page 162, before line 15, insert the following:

(3) CONFORMING AMENDMENT.—Section 41714(a)(3) is amended by adding at the end thereof the following: The 132 slot cap under this paragraph does not apply to exemptions or slots made available under section 41718.''.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Tuesday, October 12, 1999, at 2:30 p.m., before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled for Wednesday, October 13, 1999, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information please contact Jim O'Toole or Cassie Sheldon of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the legislative hearing scheduled for 9:30 a.m., on October 26, 1999, before the Energy and Natural Resources Committee to receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential climate change has been cancelled.

For further information, please call Kristin Phillips, Staff Assistant or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m., on Tuesday, October 5, 1999, in closed session, to receive testimony from Department of Energy and Intelligence Community witnesses on the Comprehensive Test Ban Treaty.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, at 10:30 a.m., to hold a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. MCCAIN. Mr. President, the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, requests unanimous consent to conduct a hearing on Tuesday, October 5, 1999, beginning at 10 a.m., in Dirksen Room 226.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, at 2:45 p.m., to hold a hearing.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Tuesday, October 5, 9:30 a.m., hearing room (SD–406), on the Environmental Protection Agency's Blue Ribbon Panel findings on MTBE.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. MCCAIN. I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 5, for purposes of conducting a Subcommittee on Forest and Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Boos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, to conduct a hearing on S. 1452, the Manufactured Housing Improvement Act.

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

ADDITIONAL STATEMENTS

COMMEMORATION FOR THE TOWN OF OAKLAND, MARYLAND

• Ms. MIKULSKI. Mr. President, I rise to extend my sincerest congratulations to the town of Oakland, Maryland, as it enters its Sesquicentennial Year on October 10, 1999. Oakland, the county seat of Garrett County, enjoys a long and proud history in the State of Maryland.

Nestled in the Appalachian Mountains, Oakland is blessed with a natural beauty all four seasons, from snowy hills in winter to pastel flowers in spring to lush foliage in summer to gorgeous red, orange and gold trees in autumn. Even Oakland's early name, ''Yough Glades,'' conjures up images of river and forest, natural beauty and abundant resources.

Oakland's rich history tells a story of a small farming community which grew with the opening of the first sawmill, expanded with the arrival of the railroad and continues to grow with old and new livelihoods alike, all the while treasuring those qualities which make it special—beauty, peacefulness and small town charm.

''A Brief History of Oakland, Maryland'' by John Grant describes the people, forces and events which shaped the town of Oakland. Three Indian trails met in a meadow on the western edge of Oakland and formed an entrance into the Yough Glades where Native Americans hunted in the forest and fished in the Youghiogheny River for hundreds and hundreds of years. White settlers followed in the 1790s as the fertile soil in ''Glades'' country attracted more and more farmers.

Around 1830, the first combination gristmill and sawmill provided lumber for the homes and shops in the growing community. On October 10, 1849, the town which had been known by several different names including Yough Glades became ''Oakland.''

The arrival of the Baltimore and Ohio Railroad in 1851 triggered a growth spurt in Oakland. Business and tradesmen frequented the newly built Glades Hotel and more people moved to the town. In 1862, Oakland incorporated a regular town government and in 1872 Oakland was selected as the County Seat of the newly formed Garrett County. The B&O Railroad continued its influence on the growth of the town with its construction of the Oakland Hotel in 1875. The hotel attracted many summer visitors, several of whom later built summer homes in Oakland.

Tragedy has struck Oakland more than once, and each time the town bounced back. The Wilson Creek flooded in 1896 and periodically over the next 70 years before a series of dams built in the late 1960s controlled the flooding. A devastating fire destroyed the business section of Oakland in 1898. The town used brick fire walls when rebuilding the downtown area, a farsighted decision which paid off in 1994 when fire struck again. This time only two buildings were destroyed.

Natural resources and beauty have long contributed to Oakland's economy and continue to do so today. The lumber industry, which began in the late 1800s, still provides jobs in Oakland. Coal, another natural resource, is found in the mountains near Oakland and adds to the economy of the town. And Oakland's natural beauty, which drew visitors to the Oakland Hotel in 1875, continues to attract people from all over the country seeking not only its beautiful vistas, but also its myriad of recreational opportunities all year round. Today, visitors to Oakland can choose from a variety of activities including hiking, biking, fishing, boating and skiing.

The town of Oakland reminds us of all that is good in our country. Oakland is a place where fire and rescue services are still staffed by volunteers, where folks greet each other with a friendly wave and hello, where people work together to support their schools and community, and where patriotism runs deep. In so many ways, Oakland is truly a ''Main Street Community,'' as the State of Maryland has so fittingly designated it.

Once again, I extend my congratulations to Oakland on their 150th anniversary and I invite all my colleagues to visit this Maryland treasure.•

TRIBUTE TO ALBERT ENGELKEN

• Mr. STEVENS. Mr. President, for 28 years Albert Engelken was the man behind the scenes at the American Public Transit Association (APTA), a Washington-based member organization advancing and representing the interests of public transit systems and industry suppliers across North America.

He was the creative force for the vast majority of APTA's ''People Programs,'' including the innovative International Bus Roadeo, where drivers and mechanics compete in events that test

their skills at operating and maintaining public transit vehicles. His efforts at this endeavor also spawned the equally competitive International Rail Roadeo.

Albert Engelken was the originator of ''Transit Appreciation Day,'' which later became ''Try Transit Week,'' an annual fixture that encourages people to ride public transit, and salutes those who make the systems work. His creativity also extended to judging and selecting those systems that demonstrated excellence in transit advertising, a program now known as ''AdWheel,'' an important event held at the Association's annual meeting.

Albert Engelken's education programs developed transit information modules for thousands of grade school teachers throughout the United States. And, until his retirement in 1997, Albert Engelken produced the American Public Transit Association's Grant Awards Ceremony, an event that honors transit systems, individuals, and achievements in the public transit industry.

That ceremony continues today, and while lacking the unique skills Albert brought to directing the national and local arrangements that publicized the winners, the ceremony this year will honor him by electing him to the prestigious APTA Hall of Fame.

He was also the long-time editor of the Association's ''Passenger Transport'' weekly newspaper, and directed the industry's successful communications strategy in the important formative years of the federal transit program. Over his entire career with APTA, Albert's behind-the-scenes work—from speechwriting to the orchestration of presentations and the stage management of events—were critical to the success of APTA's member programs and the smooth functioning of APTA's many conferences.

Albert is known by his family, colleagues, and peers as a person who would always go the extra mile to help them out. No task was too small or too complicated to be turned away. He is a gentleman, trusted friend, and caring confidant. Yet he has never sought the spotlight not taken a bow over his work in public transit and APTA.

Those are just some of the reasons to honor Albert Engelken, Mr. President. At work and in the community he has touched thousands of lives, and made life safer and easier for hundreds of thousands of transit users and providers across our nation.

He is a also great family man. His wife Betsy, children Jane, Elizabeth and Richard and their spouses, and his five grandchildren can certainly attest to that.

Mr. President, I join them and his colleagues in congratulating Albert Engelken for a job well done, and in applauding his induction into the American Public Transit Hall of Fame.●

IN RECOGNITION OF JOAN FLATLEY

● Mr. TORRICELLI. Mr. President, I rise today to recognize an outstanding woman in the State of New Jersey. Joan Flatley is being honored with the prestigious Spirit of Asbury Award for her activism and commitment to the Asbury Park community. Joan is recently retired as the Executive Director of the Asbury Park Chamber of Commerce, and her legacy in the community will be felt for years to come.

For over twelve years, John used her depth of knowledge and breadth of experience to contribute to the successful functioning of the Chamber. It is through her effort that the Chamber became a dynamic force in the Asbury Park business community, and the State of New Jersey as a whole. Joan has been the main force behind the Chamber's development and growth. She has consistently been receptive to the community's need, and has responded to them under the auspices of the Chamber. The Chamber is now a respected source of information, both in Asbury Park and across the country, for business and community events. Without Joan's unyielding commitment, the Chamber's development would not have been as pronounced.

Joan's continued and unwavering service to the people of Asbury Park is indicative of her love of the community in which she lives. Whether she was giving out travel information, sending out newsletters or organizing a business meeting, Joan met every task with an unbridled enthusiasm and pleasantness that made the community around her a better place to live. Indeed it is a testament to her service that New Jerseyans from every walk of life from across the state have come to celebrate the end of her distinguished career.

Joan's dedication to community service has always been clear, and the people of Asbury Park have benefitted from her involvement. I can think of few individuals more worthy of this distinguished award than Joan Flatley, and I am pleased to extend my congratulations to her.●

IN HONOR OF EVA B. ISRAELSEN

● Mr. BENNETT. Mr. President, I was sad to learn of the death of Mrs. Eva Israelsen of North Logan, Utah this past week. As one of Cache Valley's oldest living residents, she was a remarkable woman.

Eva May Butler Israelsen was born October 5, 1894, in Butlerville, Utah. She attended Butlerville School as a young girl. A diligent student throughout her life, she was Valedictorian of the first graduating class of Jordan High School in 1915. I find it remarkable that just nine years ago, she and the other surviving class member, Thomas J. Parmley celebrated their 75th class reunion. In 1991 she was invited to be the featured speaker at Jordan High School's graduation.

She attended the Utah Agricultural College (now Utah State University) where she met her husband Victor Eugene Israelsen. They were married in the Salt Lake LDS Temple in 1917. After college, she and her husband farmed, eventually establishing the North Logan Buttercup Dairy where she lived for 63 years. That dairy became a landmark in Cache Valley.

Eva was known throughout Cache Valley simply as ''Grandma Israelsen.'' She kept numerous journals and granted countless interviews to young people in the community who sought her out for her perspective and historical knowledge. She remained active in her community and her church throughout her life. With support from her children, she attended nearly every funeral, wedding and baby blessing in the community. She was active in the Daughters of the Utah Pioneers and blessed the lives of her neighbors through her charitable example and her Christian life.

Grandma Israelsen had a remarkable memory, often recalling details about not only her own family members and grandchildren but of the families of her neighbors and acquaintances. It was common for her to ask her neighbors about their children by name, even though she may not have seen them for years. The residents of North Logan will miss that, just as they miss waiving to her on her morning walks which she used to take back when she was a young woman of just 101.

She and her husband had eleven children, eight of which are living. Her husband Victor passed away in 1967. Her progeny includes 67 grandchildren, 271 great-grandchildren and 40 great-great grandchildren. Including the 97 spouses, she is survived by 483 family members.

Grandma Israelsen would have been 105 years old today. So on her birthday, I want to pay tribute to her life and express my condolences to her family on her passing. She was a remarkable woman who led a remarkable life. Sophocles once said ''One must wait until the evening to see how splendid the day has been.'' In her passing, I am sure that the community agrees that it was indeed splendid to spend the day with Eva Israelsen.●

TRIBUTE TO JAMES ARTHUR GAY III

● Mr. REID. Mr. President, I rise today to pay tribute to James Arthur Gay III, a pioneer black civic leader from Las Vegas. Through his tireless efforts, he was instrumental in the fight to desegregate Las Vegas. Jimmy Gay was one of the first black hotel executives in Las Vegas in the 1950s at a time when his longtime friends Sammy Davis Jr., Nat ''King'' Cole and others were not allowed to stay overnight in strip hotels.

Mr. Gay was one of the best known and respected local black leaders of his generation. Among his accomplishments are many ''firsts''. He was the

first black to obtain a mortician's license in the state of Nevada, the first black to be appointed to the Nevada Athletic Commission, and the first black in the United States to be certified as a water safety instructor by the Red Cross. He also was a national record holder in the 100-yard dash and an alternate on the 1936 U.S. Olympic track team.

Born in Fordyce, Arkansas in 1916, Jim was the youngest of three children. When he was just 3 years old, Jim was orphaned. Beginning his experience with work at age 7 as a house boy, Jim developed a strong commitment to work at an early age. He moved to Las Vegas in 1946 as a college-educated man having earned his degree from the University of Arkansas. Although he was educated and ambitious, getting a job in Las Vegas was virtually impossible at the time. He started out as a cook at Sills Drive-In, a popular restaurant in the area of Charleston and Las Vegas Boulevard working hard to prove himself. In the late 1940s, people became aware of Jimmy's many talents. Jim's first break in Las Vegas came when the city opened the Jefferson Recreation Center in West Las Vegas. He was hired as the Director and among other things also coached football, swimming and basketball. His break in business came when he was hired as the Sands hotel-casino Director of Communications which was one of the highest posts held by a black at that time. During this period, the Sands was one of the Las Vegas Strips finest.

In 1941, Jimmy married Hazel Gloster and together they raised a family of five children, 10 grand-children and 17 great-grandchildren. Always finding time for his community, he was an active member of the executive board of the NAACP. He also was active in local politics serving as a member of the Clark County Democratic Central Committee and on the executive board of Culinary Local 226.

Jimmy discovered the world of the hotel industry and opened opportunities for many. Over the years, Jimmy served as an executive at the Sands, Union Plaza, Fremont, Aladdin and Silverbird hotels. He earned the respect of many for his tireless efforts and his love for the city of Las Vegas.

Deservingly, the state of Nevada has honored Jimmy Gay by naming him a Distinguished Nevadan in 1988 and a few years before, the city of Las Vegas named a park after him. In 1985, the city of Las Vegas and the state of Nevada honored him with ''Jimmy Gay Day.'' For his civic efforts, Jimmy was named Las Vegas Jaycees Man of the Year in 1952 and received a City of Hope commendation in 1959. On numerous occasions he was named NAACP Man of the year. His contributions have not only left a lasting impression on many, but also served as an inspiration to generations of young people growing up in Nevada. Over the years, Jimmy helped many deserving black students receive scholarships to his alma mater.

It was once written that ''Some people walk through our life and leave after a few seconds. Others come in and stay there for a very long time leaving marks that will never be forgotten.'' Jimmy Gay is one of those whose legacy will remain for the countless Nevadans whose journey will be easier because of his pioneering efforts. Las Vegas is a better place because Jimmy Gay went above and beyond to advance the cause of social justice. The best one can hope for life is to make a difference with their time on earth. There is no doubt that Jimmy Gay made a tremendous difference.

On September 10, 1999 at the age of 83 Jimmy Gay died of complications of a stroke. He will be missed but will remain one of the most admired and respected local Las Vegas leaders to have graced the city. This U.S. Senator is a better person because of the friendship he enjoyed with Jimmy Gay and Nevada is a better state because of his lifelong effort to ensure equality for all.●

TRIBUTE TO CORNELIUS HOGAN

● Mr. JEFFORDS. Mr. President, it gives me great pleasure to stand before my esteemed colleagues and speak of my good friend, Cornelius Hogan, who is retiring as Secretary of the Vermont Agency of Human Services. His work in leading state government to improve the well-being of Vermonters stands as a example for us all.

The Vermont Agency of Human Services includes the departments of Social Welfare, Corrections, Social and Rehabilitation Services, Mental Health, Alcohol and Drug Abuse, Aging and Disabilities. Secretary Hogan has not only administered these vital services through extraordinary changes, but has provided outstanding leadership, recognized throughout the Nation. This agency, with the State's largest budget, must have a human face in its efforts to improve the lives of Vermonters. Con Hogan is that face.

Secretary Hogan has served as Vermont's Secretary of Human Services since 1991 when then-Governor Richard Snelling enticed him back into public service from his successes in the private sector. Previously, Hogan served as Commissioner of Corrections.

Throughout his eight year tenure, Con has been remarkably effective and always gracious in his approach to each challenge. When Vermonters in need have a problem, Con has been the person that folks turned to when all else had failed. As Chris Graff, a Vermont journalist, noted:

> Hogan is a legend. And for the past eight years, when people knew that Con Hogan was coming, they had hope. And confidence. Confidence that whatever the trouble, whatever the problem, whatever the need, someone who cared deeply would do what ever it took to help.

As a result of Con's work, Vermont families and communities have improved educational opportunities, a better health care system, increased employment for the disabled and an expanded network of family support services. By demanding that government define, seek, and evaluate its efforts, Con has set a new example for public service in Vermont and the country.

More Vermont children have health care coverage, and have had it for longer, than almost any state in the country. The state is offering more home and community based care options for the elderly and disabled. Disabled Vermonters are working and, thereby, supporting themselves and their families. Con Hogan's ultimate legacy will be the thousands of lives that have been directly touched by the work of the Agency of Humans Services under his stewardship.

He, of course, will describe his work as collaborative and the consequence of others' good will and efforts. He is right, as he has led efforts to open government to the ideas, hopes, and information from citizens, industry and business. He has fostered a real public debate about the well-being of Vermonters and the responsibilities of government and its citizens to participate, evaluate, and dream for better things.

Secretary Hogan's vision is alive and full of vibrant change. Con has changed our ways of thinking. He is the mastermind of dozens of partnerships in which human services providers now collaborate with others in state and local governments, and communities to deliver locally-based services. Con recognizes and encourages citizen participation as essential to this process. He has convinced service providers that they should listen to real people - that the child, the elder or the youth needs to be the center of their concerns.

Over the last several weeks, many Vermonters have written to their local papers, touting Con Hogan's work as Secretary. Con has significantly changed thousands of Vermonters lives, both through policy and through his own untiring advocacy. The results have impressed his colleagues and friends alike.

I was moved when I read a commentary in the Burlington Free Press by my good friend, David S. Wolk, Superintendent of Schools in Rutland City. David pointed out that it was Con Hogan's success in the private and public sectors, as well as his impeccable reputation as both a manager and a leader, that led then-Governor Snelling to appoint him as the state's premier advocate for Vermonters in need.

David aptly notes that Con's relentless advocacy has been coupled with his unique capacity to reach out to the wider community. His strong and effective leadership has presented important dualities:

> Con Hogan could have remained in the private sector to seek his fortune and fame. Instead, he offered a selfless contribution to public service, an emphasis on accountability with measurable outcomes and an impressive brand of leadership, combining pressure and support, characterized by candor

and courage. . .. If the ultimate goal of the consummate public citizen is to improve our collective lot, and to enjoy the privilege of making one's personal mark on Vermont's well-being, then no other public citizen called to service in our wonderful state has achieved that pinnacle more than Cornelius D. Hogan of Plainfield.

On a personal note, I have enjoyed witnessing Con's talents, not only in public service but on the stage, as an accomplished bluegrass musician. Con's passion and zeal for life is evident in all that he does.

Mr. President, I'm sure I could stand here all day, and regale my colleagues with stories and tributes to this remarkable man and still, Con's contribution would not be described adequately. For us to thoroughly understand the impacts of his sage and exemplary leadership, the outcomes of Con Hogan's service to Vermonters will need to be measured far into the new millennium.

I join my fellow Vermonters in offering my most heartfelt congratulations and gratitude to Con Hogan for his years of public service, and I wish him all the best in his new endeavors.●

MEASURE READ THE FIRST TIME—S. 1692

Mr. CRAPO. Mr. President, I understand that S. 1692, which was introduced earlier today by Senator SANTORUM, is at the desk. I therefore ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 1692) to amend Title 18, United States Code, to ban partial-birth abortions.

Mr. CRAPO. Mr. President, I now ask for the bill's second reading, and on behalf of Members of the other side of the aisle, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

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.

COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, I appreciate the fact that the Democratic leader is still here. I know he had urgent meetings he had to go to. We needed to get that final recorded vote and pass that bill. I appreciate his patience on that. Also, I think he and I both agree that we want to advise Members on both sides of the aisle and all concerned that we are discussing how to proceed with the vote that is now in place on the Comprehensive Test Ban Treaty.

After we discussed our concerns about how and when to proceed on that, then there started to be a lot of speculation on both sides of the aisle and all around town. I think it is important for Members to just calm down and relax. We need to have the ability to communicate with each other and think about what is in the best interest of the Senate and our country and weigh all of the evidence that is now available to us.

We do have a unanimous consent agreement that we will proceed to this issue, and we will have a vote after the requisite number of hours, probably on the 12th, or perhaps the morning of the 13th before we get to final passage. Nothing more than that has been done.

We will have to work through this, and we will certainly have to work with our respective caucuses and the White House, because this is a very important national security and foreign policy issue, and we will also have to be involved in the consideration in how we proceed on this issue.

I think that is what we need to say at this point. Nothing beyond that has been agreed to, suggested, or called for by the President, or by any Senator, and all we are trying to do is communicate and see if we are proceeding in the best interests of all concerned.

Would the Senator like to add to that?

Mr. DASCHLE. Mr. President, I agree with the characterization made just now by the majority leader. I think all we can do is continue to discuss the matter to see if we might proceed in a way that would accommodate the concerns and needs of both caucuses. I think what the majority leader said, especially about rumors, and how all this began is irrelevant. In fact, the more rumors, the more this matter is exacerbated. If we really want to try to proceed successfully, we need to quell the rumors and get on with trying to talk with dispassionate voices and make sure we make the right decisions. We are prepared to do that, and I know the majority leader is prepared to do that. That is all that needs to be said at this time.

ORDERS FOR WEDNESDAY, OCTOBER 6, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 6.

I further ask unanimous consent that, on Wednesday, immediately following the prayer, the journal of the proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1650, the Labor-HHS Appropriations bill.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, we will begin at 9:30 on this important legislation. The pending amendment is the Nickles amendment regarding the Social Security trust fund. It is hoped that this and remaining amendments can be debated and disposed of in a timely fashion so that action on the bill can be completed no later than Thursday evening.

Therefore, I ask Senators to work with the bill managers to Schedule a time to offer their amendments. Senators should be aware that rollcall votes will occur throughout the day on Wednesday and on Thursday. This week, we also expect to handle the Agriculture Appropriations conference report. I understand that some time for debate or discussion on that conference report will be required. We will work to find a window to do that. If the House should approve the Foreign Operations conference report later today or tomorrow, then we will look for an opportunity to also take that up.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Wednesday, October 6, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 5, 1999:

THE JUDICIARY

RAYMOND C. FISHER, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

BRIAN THEADORE STEWART, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

REJECTION

Executive nomination rejected by the Senate on October 5, 1999:

RONNIE L. WHITE, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.