UNANIMOUS CONSENT AGREEMENT—E-SIGNATURES CONFERENCE REPORT

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate considers the e-signatures conference report, the conference report be considered as having been read and it be considered under the following agreement:

Three hours to be equally divided between the chairman and ranking minority member of the Commerce Committee, or their designees, with 20 minutes each for Senators LEAHY, SARBANES, and WYDEN.

I further ask consent that following the use or yielding back of time, the conference report be laid aside and the vote occur at 9:30 a.m. on Friday on the adoption of the conference report. I further ask consent that immediately following that vote the Senate proceed to executive session for the consideration of the following nominations reported by the Judiciary Committee:

Laura Swain, U.S. District Judge for Southern District of New York; Beverly Martin, U.S. District Judge for Northern District of Georgia; Jay Garcia-Gregory, U.S. District Judge for District of Puerto Rico.

I further ask that the nominations then be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MAGNA CARTA

Mr. BYRD. Mr. President, today is a very special anniversary. One will not find it noted on most calendars. Although it lacks the familiarity of the anniversary of the writing of the Constitution, for example, it is a day well worth remembering. The 15th day of this month deserves our attention for one very fundamental reason which is quite important to this Republic and to those of us in this Chamber. It marks the birth of the idea that ours is a government of laws and not of men, and that no man, no man is above the law.

Seven hundred and eighty-five years ago, on June 15, 1215, English barons met on the plains of Runnymede, on the Thames River near Windsor Castle, to present a list of demands to their king. King John had recently engaged in a series of costly and disastrous military adventures against France. These operations had drained the royal treasury and forced King John to receive the barons' list of demands. These demands—known as the Articles of the Barons—were intended as a restatement of ancient baronial liberties, as a limitation on the king's power to raise funds, and as a reassertion of the principle of due process under law, at that time referred to in these words, ''law of the land.'' Under great pressure, King John accepted the barons' demands on June 15 and set his royal seal to their set of stipulations. Four days later, the king and barons agreed on a formal version of that document. It is that version that we know today as Magna Carta. Thirteen copies were made and distributed to every English county to be read to all freemen. Four of those copies survive today.

Several of this ancient document's sixty-three clauses are of towering importance to our system of government. The thirty-ninth clause, evident in the U.S. Constitution's Fifth and Fourteenth amendments, underscores the vital importance of the rule of law and due process of law. It reads ''No freeman shall be captured or imprisoned . . . except by lawful judgment of his peers or by the law of the land.''

Beginning with Henry III, the nine-year-old who succeeded King John in 1216, English kings reaffirmed Magna Carta many times, and in 1297 under Edward I it became a fundamental part of English law in the confirmation of the charters. (An original of the 1297 edition is on indefinite loan from the Perot Foundation and is displayed in the rotunda of the National Archives.) In 1368, that would have been under the reign of Edward III, a statute of Edward III established the supremacy of Magna Carta by requiring that it ''be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be holden for none.''

In the early 1600s, the jurist and parliamentary leader Sir Edward Coke interpreted Magna Carta as an instrument of human liberty, and in doing so, made it a weapon in the parliamentary struggle against the gathering absolutism of the Stuart monarchy. As he proclaimed to Parliament in 1628, ''Magna Carta will have no sovereign.'' Unless Englishmen insist on their rights, another observed, ''then farewell Parliaments and farewell England.''

By the end of that century, through the course of civil war and the Glorious Revolution, the rights of self-government, first acknowledged in 1215, became firmly secured.

As settlers began their migration to England's colonies throughout the seventeenth and early eighteenth centuries, they took with them an understanding of their laws and liberties as Englishmen. Magna Carta inspired William Penn as he shaped Pennsylvania's charter of government. Members of the colonial Stamp Act Congress in 1765 interpreted Magna Carta to secure the right to jury trials.

After the colonies declared their independence of Great Britain, many of their new state constitutions carried bills of rights derived from the 1215 charter, Magna Carta. As University of Virginia law professor A.E. Dick Howard notes in his classic study of the subject, by the twentieth century, Magna Carta had become ''irrevocably embedded into the fabric of American constitutionalism, both by contributing specific concepts such as due process of law and by being the ultimate symbol of constitutional government under a rule of law.''

In 1975, the British Parliament offered Congress and the American people a most generous gift. To celebrate two hundred years of American independence from Great Britain, Parliament offered to loan one of Magna Carta's four surviving copies to the United States Congress for a year. The document they selected is known as the Wymes copy and is regularly displayed in the British Library. Parliament also made a permanent gift of a magnificent display case bearing a gold replica of Magna Carta.

A delegation of Senators and Representatives traveled to London in May 1976 to receive that document at a colorful and thronged ceremony in Westminster Hall. On June 3, 1976, a distinguished delegation of parliamentary officials joined their American counterparts for a gala ceremony in the Capitol Rotunda. The display case containing Magna Carta was placed near the Rotunda's center, where, over the following year, more than five million visitors had the rare opportunity to view this fundamental charter at close range.

At a June 13, 1977, ceremony concluding the exhibit, I offered brief remarks in my capacity as Senate Majority Leader. I noted that nothing during the previous bicentennial year had meant more to the nation than this gift. I recalled the Lord Chancellor's diplomatic interpretation, during the 1976 ceremony, of the reasons for the bicentennial celebrations. This is what he said:

> What happened two hundred years ago, we learned, was not a victory by the American colonies over Britain but rather a joint victory for freedom by the English-speaking world.

Today, the magnificent display case remains in the Capitol Rotunda as a reminder of our two nations' joint political heritage. I encourage my colleagues to visit this case in the rotunda and examine its panel with raised gold text duplicating that of Magna Carta. What better way could we choose to observe this very special anniversary day?

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENTS NOS. 3441, 3443, 3445, EN BLOC

Mr. SHELBY. Mr. President, I call up the following amendments and ask for their immediate adoption. They have cleared on both sides: No. 3441 on behalf of Senator MCCAIN, Nos. 3443 and 3445 on behalf of Senator TORRICELLI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], proposes amendments numbered 3443, and 3445.

The amendments are as follows:

AMENDMENT NO. 3441

(Purpose: To require a cap on the total amount of Federal funds invested in Boston's ''Big Dig'' project)

At the appropriate place insert the following:

SEC. . CAP AGREEMENT FOR BOSTON "BIG DIG".

No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary of Transportation and the State of Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than $8.549 billion.

AMENDMENT NO. 3443

(Purpose: To express the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along Interstate highways)

At the appropriate place in title III, insert the following:

SEC. 3___. PARKING SPACE FOR TRUCKS.

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3445

(Purpose: Relating to a study of adverse effects of idling train engines)

At the appropriate place in the bill, insert the following:

SEC. ___. STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES.

(a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

Mr. SHELBY. Those amendments have been cleared on both sides. I urge the adoption of the amendments.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3441, 3443, 3445) were agreed to en bloc.

AMENDMENT NO. 3441

Mr. MCCAIN. Mr. President, my amendment is very simple and straight forward. It prevents Department of Transportation officials from authorizing project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary and the State have entered into a written agreement capping the federal contribution to the project.

Mr. President, last month I chaired a four-hour hearing in the Senate Commerce Committee on the Boston Central Artery/Tunnel project—the biggest, most costly public works project in U.S. history—and commonly referred to as ''the Big Dig.'' This project has suffered from gross mismanagement and what appears to have been a complete lack of critical federal oversight. It has experienced billions of dollars in cost overruns.

The Central/Artery Tunnel project was originally estimated to cost $2.5 billion in 1985. Today it is estimated to cost U.S. taxpayers a staggering $13.6 billion.

During the Committee's hearing, there was a lengthy exchange between myself, Senator KERRY, Secretary Slater, and DOT-Inspector General Ken Mead concerning the federal obligation to this project. I argued then, as I do now, that there is no cap on the federal obligation. Senator KERRY argued there is. And Secretary Slater said we were both right!

Let me read a few lines from the May 3rd hearing transcript:

The CHAIRMAN: Mr. Secretary, is there a cap on the Federal share of the project costs?

Secretary SLATER: Mr. Chairman, there is a cap. It is true though, as you noted, and as Senator Kerry noted, that it is not in the statute or necessarily in writing.

I ask my colleagues, if it isn't in statute or in writing, then where is it? The answer is, of course, that it doesn't currently exist.

Mr. President, it is not my intent to stop the Boston project. The project should be completed as quickly and as fiscally responsibly as possible.

The purpose of my amendment is to direct the Secretary and the State of Massachusetts to do what the Secretary said he would do at the May 3rd hearing—to execute a written agreement capping the federal obligation of the project at the level announced by the Department—that is, no more than $8.549 billion.

It has been six weeks since the Secretary indicated the Department was working on an agreement to cap the funding. DOT officials informed my office again today that an agreement is in the works and I am to be assured it will include the $8.549 billion cap. Given this, I can think of no reason why not to support my amendment to spur their actions to execute the agreement sooner rather than later.

The House-passed DOT Appropriations bill includes a provision that would effectively halt the project for fiscal year 2001. My amendment would not do that. It just ensures that the promised written agreement is executed once and for all and that the American taxpayers are not on the hook of having any more gas tax dollars shifted away from other important highway infrastructure projects.

Again, there is no cap on the Federal funding share for the project. In my view, a federal cap would help ensure the project managers reign in their run-away costs and project overruns because they will not be able to expect the rest of the nation's highway dollars to be funneled into their project.

This amendment is fair, it is based on what the Secretary of DOT has promised, and it is what is already in the works. Let's help encourage the timely resolution of this important matter so that the needed continuation of construction of the Central Artery/Tunnel project is not further impeded.

Mr. KENNEDY. Mr. President, I don't oppose Senator MCCAIN's amendment. It reflects the current broad understanding about the status of the Central Artery/Tunnel project in Boston.

The Big Dig project has suffered from serious cost overruns and there is no disagreement about who will pay for those costs. The Chairman of the Massachusetts Turnpike Authority, the governor of Massachusetts, the leaders of the State legislature, the Secretary of the U.S. Department of Transportation, the Inspector General of the Department, the Massachusetts Congressional delegation, and Senator MCCAIN all agree that the total federal contribution remains as it was—$8.549 billion. It is the responsibility of the Commonwealth of Massachusetts to cover any increased costs.

The state has developed a plan to do just that, and it is a good plan. The state legislature and Governor Cellucci have worked effectively to prepare a realistic plan to pay for the increased costs of the Big Dig, without asking for

additional federal assistance, and without shortchanging important transportation projects throughout the rest of the state. The plan is currently being reviewed by the Federal Highway Administration and is likely to be approved very soon.

It is also important to appreciate all that is involved in this project, and all that it will do for Boston and the region. Work of this magnitude and duration has never before been attempted in the heart of an urban area. Unlike any other major highway project, the Central Artery/Tunnel Project is designed to maintain traffic capacity and access to residents and businesses. Using new and innovative technology, it has kept the city open for business throughout the construction.

The Big Dig is replacing the current six lane elevated roadway with eight to ten underground lanes. The project will create 150 acres of new parks and open space, including 27 acres where the existing elevated highway now stands.

This is an urgently needed project. Today, the Central Artery carries 190,000 vehicles a day with bumper-to-bumper traffic and stop-and-go congestion for six to eight hours every day. If nothing were done, the elevated highway would suffer through bumper-to-bumper conditions for 15 to 16 hours a day by the year 2000.

The new underground expressway will be able to carry 245,000 vehicles a day with minimal delays. The elimination of hours of congested traffic will reduce Boston carbon monoxide levels by 12 percent citywide. Without such improvements in its transportation, Boston would not be able to continue to grow as the center of economic activity for the state and the region.

Work on this important project is progressing effectively again. I look forward to its conclusion so that the city, state, and region can benefit from the needed improvements this project will bring.

AMENDMENTS NOS. 3432, AS MODIFIED; 3436, AS MODIFIED; 3438, AS MODIFIED; 3447, AS MODIFIED; 3451, 3452, 3453, EN BLOC

Mr. SHELBY. Mr. President, I send to the desk on behalf of myself and Senator LAUTENBERG, a package of amendments and ask for their immediate consideration: No. 3432, as modified, by Senator DOMENICI; No. 3436, as modified, for Senator REED; No. 3438, as modified, for Senator KOHL; No. 3447, as modified, for Senator DODD; an amendment, No. 3451, for Senator COCHRAN on Star Landing Road; an amendment, No. 3452, for Senator BAUCUS and Senator BURNS on highway projects on Federal land; an amendment No. 3453, for Senator NICKLES of a technical nature.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 3432, as modified, 3436, as modified, 3438, as modified, 3447, as modified, 3451, 3452, and 3453, en bloc.

The amendments are as follows:

AMENDMENT NO. 3432, AS MODIFIED

Page 16, under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' after ''under this head;'' add ''and to make grants to carry out the Small Community Air Service Development Pilot program under Sec. 41743 in title 49, U.S.C.;''

Page 17, after the last proviso under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' and before the heading ''RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)'' add ''*Provided further,* That notwithstanding any other provision of law, not more than $20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, U.S.C. subject to the normal reprogramming guidelines.''

AMENDMENT NO. 3436,AS MODIFIED

At the appropriate place in the substituted original text, insert the following;

SEC. . Within the funds made available in this Act, $10,000,000 shall be for the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended; $2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; $400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and $250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

AMENDMENT NO. 3438, AS MODIFIED

(Purpose: To state the sense of the Senate regarding funding for Coast Guard acquisitions and for Coast Guard operations during fiscal year 2001)

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW will end in 2006.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was $1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to recommend reductions from the funding requested in the President budget on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made or had the President's budget not included $212 million in new user fees on the maritime community. The difference between the amount of funds requested by the Coast Guard for the AC&I account and the amount made available by the Committee on Appropriations of the Senate for those acquisitions conflicts with the high priority afforded by the Senate to AC&I procurements, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in personnel benefits and fuel costs on the 2000 operating expenses account, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, provided there is sufficient budget authority, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for AC&I;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

AMENDMENT NO. 3447, AS MODIFIED

(Purpose: To provide that new starts funding shall be available for a project to re-electrify the rail line between Danbury, Connecticut and Norwalk, Connecticut)

On page 39 of the substituted original text, between lines 18 and 19, insert the following: ''Danbury-Norwalk Rail Line Re-Electrification Project''.

AMENDMENT NO. 3451

(Purpose: To make available funds previously appropriated for the Star Landing Road project in DeSoto County, MS)

At the appropriate place in bill add the following new section:

SEC. . For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto, County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

AMENDMENT NO. 3452

Section 1214 of Public Law No. 105–178, as amended, if further amended by adding a new subsection to read as follows:

(s) Notwithstanding sections 117(c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law No. 105–178:

(1) The non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation; and

(2) The Secretary shall not delegate responsibility for carrying out the project to a State.

AMENDMENT NO. 3453

In lieu of section 343 on p. 76, insert a new section 343 as follows:

SEC. 343. 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.

Mr. DOMENICI. Mr. President, this amendment is to provide $20 million to support rural air service to the Department of Transportation and Related Agencies Appropriations bill for fiscal year 2001.

The Wendell H. Ford Aviation and Investment Reform Act of the 21st Century (AIR–21) included in Section 203 a provision to provide grants to attract and subsidize improved air carrier service to airports currently receiving inadequate service. The provision authorizes $20 million for grants of up to $500,000 to communities or community consortia which meet certain criteria for participation in the program.

My amendment would provide discretionary authority to the Secretary of Transportation to implement this pilot program utilizing not more than $20 million in FY 2001 for this purpose.

Mr. President, I want to emphasize how important this program is to my home State of New Mexico, particularly southeastern New Mexico where I have worked for years to bring rural air service to that part of the state. The communities of Roswell, Hobbs, Carlsbad, and Artesia have formed a consortium in anticipation of applying for federal funds under this program. The consortium has raised $200,000 in local funding and $200,000 in state funds, and can demonstrate that existing air service in that part of the state is insufficent and is accompanied by unreasonably higher fares. The southeastern New Mexico consortium is precisely the sort of applicant this grant program is intended to benefit. A similar consortium is being put together in northern New Mexico.

I urge my colleagues to support this amendment to provide badly needed air service to rural areas in the country.

Mr. BINGAMAN. Mr. President, first I want to thank my colleague, Senator DOMENICI, for his work on this amendment, and Chairman SHELBY and Senator LAUTENBERG for adding this important funding to the Transportation Appropriations Bill. Our amendment provides funding for a new program to help rural communities with inadequate or uneconomical commercial air service to attract new air carriers or to improve their existing service.

Mr. President, for a number of years, as I traveled around New Mexico, I heard from many of our community and business leaders about the importance of commercial air service to support economic development and attract new employers to rural parts of my state. To help address this problem, last year I worked with the Commerce Committee, and especially Senators ROCKEFELLER and DORGAN, to authorize a new program to help rural communities to improve their commercial air service. The authorization for this new program was included in the Wendell Ford Aviation Investment and Reform Act for the 21st Century, which Congress passed and the President signed earlier this year.

At the same time, the New Mexico State Legislature, lead by Senators Altamirano, Ingle, Jennings, Kidd, and Leavell, established a $500,000 state program to provide matching funds to communities that wanted to improve their commercial air service. Almost immediately, agreements were signed and new air service was made available to Taos and Los Alamos—cities that previously had no commercial air service. More recently, agreements have been signed with a consortium of cities in Southeastern New Mexico, including Roswell, Carlsbad, Hobbs and Lea and Eddy Counties. These are exactly the kinds of communities this program we are funding today is designed to help.

Mr. President, I am pleased the committee has found a way to fund this important program for rural communities. I want to work with the committee as the bill goes to conference to ensure that this funding is retained. I again thank Chairman SHELBY and Senator LAUTENBERG for their help.

● Mr. ROCKEFELLER. Mr. President, I come to the floor to urge the passage of the Domenici, Bingaman and Burns amendment to the Department of Transportation Appropriations Act, Senate Amendment 3432. This amendment appropriates $20 million for grants supporting the Small Community Air Service Development Pilot program, properly targeting necessary funding to needy small airports.

When I became Ranking Member of the Aviation Subcommittee, I was determined to make support of small airports a priority. This March, I helped craft the Wendell H. Ford Aviation and Reform Act of the 21st Century (FAIR–21), the Federal Aviation Administration and the Airport Improvement Program bill authorizing $40 billion for aviation funding, the largest increase in aviation funding ever. This included significant new funding for rural airports. In 1998, I had authored the Air Service Restoration Act, directing the Department of Transportation to make new priorities and incentives supporting the development of airports in small communities, which was incorporated into FAIR–21. The Domenici-Bingaman-Burns amendment builds on these efforts and makes the proposed funding a reality.

The Domenici-Bingaman-Burns amendment provides the funding small

airports need. Small airports are an essential part of our aviation infrastructure. Without improvements to our small airports, we will stymy the economic growth of less developed areas. We know transportation is vital to economic development and that improving air transportation needs more Congressional attention. Senator DOMENICI sponsored this amendment with Senators BURNS and BINGAMAN and made it a priority and possible. But I would like to especially note the work of my good friend and respected colleague, Senator BINGAMAN, who deserves tremendous credit for his assiduous efforts to make sure this funding is available. I wholeheartedly endorse this amendment and urge its adoption as part of the Department of Transportation Appropriation Act.●

Mr. SHELBY. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3432, as modified; 3436, as modified; 3438, as modified; 3447, as modified, 3451, 3452, and 3453,) were agreed to, en bloc.

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

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, this completes the amendments that the managers can clear from the list of amendments. The remaining amendments on the list either have rule XVI points of order that lie against them or the managers have been unable to clear. For all intents and purposes, we are done. I intend to urge third reading and final passage in short order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have a unanimous consent agreement we would like to enter in the near future. We are waiting to hear from one Senator prior to doing that. It is my understanding Senator BYRD is on the floor. He has some remarks he wishes to make while we are waiting for clearance from the other Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

FATHER'S DAY

Mr. BYRD. Mr. President, I thank our very distinguished Democratic whip, Mr. REID, for his accommodation. I thank the distinguished manager of the bill, Mr. SHELBY, for his characteristic kindness and consideration.

Mr. President, this Sunday, June 18, is Father's Day. The Bible tells us to ''honor thy father and thy mother.'' I would like to take just a few minutes to pay tribute to fathers and to call particular attention to this coming Sunday, that day of special significance.

An old English proverb tells us that ''one father is more than 100 schoolmasters.'' Fatherhood is the most compelling, the most profound responsibility in a man's life.

For those of us who are fathers, there is nothing that we can do here in this Chamber that is more important than our commitment to our children. And, of course, with the greatest responsibilities, come the greatest joys and the greatest challenges. For those of us who are blessed with a long life, we learn that existence is an intricate mosaic of tranquility and difficulty. Struggles, along with blessings, are an inevitable, and instructive, part of life. A caring father prepares us for this reality. He teaches us that, in human nature, there is no perfection, there is simply the obligation to do one's best.

My foster father, Titus Dalton Byrd, my aunt's husband, gave me my name and to a great extent the best aspects—and there are a few, I suppose—of my character. His was not an easy life. He struggled to support his wife and his little foster son during the depths of the Great Depression. This Nation is today blessed with the greatest economy the world has ever known. But, for those of us who remember the terrible poverty that gripped this Nation during the 1930's, prosperity, at one time in our lives, seemed a very, very long time in coming. It seemed far, far away.

The test of character, the real test of character in a nation is how that nation responds to adversity, and the same with regard to a person, how that person responds to adversity, not only in his own life but in the lives of others.

The Roman philosopher Seneca said that ''fire is the test of gold; adversity, of strong men.''

In this respect, Titus Dalton Byrd was a great teacher. He easily could have been a bitter man, a despairing man. He could have raged at his lot in life. He could have forsaken his family. He could have forsaken his faith.

I remember as clear as if it were yesterday watching for that man, that tall black-haired man with a red mustache coming down the railroad tracks. I recall watching for him as I looked far up the tracks that led ultimately to the mine, the East Five Mine in Stotesbury where he worked. I would see him coming from afar, and I would run to meet him.

As I neared him, he would always set his dinner bucket down on a cross tie. He would lift off the top of that dinner bucket, and as I came to him, he would reach in and he would bring out a cake, a little 5-cent cake that had been bought at the coal company store.

He would reach down into that dinner bucket. He would pull out that cake and give it to me, after he had worked all day, from early morning to quitting time. And in the early days, quitting time was when the coal miner loaded the coal, loaded the slate, the rock, and cleaned up his ''place'' for the next day.

He had gone through those hours with the timbers to the right and the timbers to the left, cracking under the weight of millions of tons of earth overhead. He had sweated. He had worked on his knees, many times working in water holes because the roof of the mine was perhaps only 4 feet or 3 feet above the ground. He toiled there with a shovel, with a pick, and his calloused hands showed the result of that daily hard toil. Of course, he wore gloves and he wore kneepads so that he could make his way on the ground, on his knees, lifting the coal by the shovelful and dumping it over into the mine car. There he worked in the darkness except for a carbide lamp. It was a very hazardous and dangerous job. But when he had his lunch, he ate the rest of the food but always saved the cake.

When I ran to meet him, he would set down the dinner pail and lift off the cover and reach in and get that cake and give it to me. He always saved the cake for me.

He was an unassuming man. Unlike me, he never said very much. He took the hard licks as they came. I never heard him use God's name in vain in all the years I lived with him. Never. He never complained. When he sat down to eat at the table, he never complained at the humble fare. I never heard him complain. He was as honest as the day was long. When he died, he did not owe any man a penny. He always represented a triumph of the human spirit to me. He honored his responsibilities. He did his duty.

He could not be characterized as a literate man. He never read Emerson's essays or Milton's ''Paradise Lost'' or Bocaccio's ''Decameron,'' or the ''History of Rome.'' He could hardly read at all. I suppose the only book he ever read was the Bible. His formal education was in the school of hard knocks, but he was a wise man. He knew right from wrong.

That sounds simple, even quaint, in these sophisticated times, but it surely is not. Cicero said, ''The function of wisdom is to discriminate between good and evil.'' To genuinely know right from wrong and to honor that as the guiding force in one's life—that is not always simple. That is not always easy. Brilliant theologians of every faith on Earth will tell you that such moral discernment is a central spiritual challenge of a human life. But my dad knew right from wrong. He read his Bible, the King James' version of the Bible.

When the burdens of my dad's life were almost too heavy to bear during the desperate poverty of the Great Depression, his faith never wavered that the Creator would give him the strength he needed. Abraham Lincoln, as he contended with the overwhelming agonies of a nation torn apart by a great civil war, said of the Bible:

> This great Book . . . is the best gift God has given to man.

Mr. President, this is a lesson that great men, whether mighty or humble, have learned, and it is the lesson my dad taught me.