

airports need. Small airports are an essential part of our aviation infrastructure. Without improvements to our small airports, we will stymie 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 school-

masters." 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 Boccaccio'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.

We live now in what has been termed the age of information. But, as we salute our fathers on this coming Sunday, this is an opportune time to again sound a note of caution for our children. Information is not the same as wisdom. Our society, including our children and our grandchildren, and our great grandchildren, is bombarded with information and entertainment, such as it is, useless, tasteless, and bewildering, much of which is geared to our basest instincts and our tawdriest impulses. It is a parade of the lowest common denominator all too often. This is the more complicated world with which parents today must contend. Parents need to instill wisdom in their children, a moral sense that will enable their children to navigate through a volatile sea of uplifting and distressing images.

My dad, like most rural people, who was not used to much, never had much, found solace and understanding in nature. He understood the generous and bountiful delights of nature. The flowers of spring, this blessed season which officially gives way to summer on June 21, call us back to the beauty and sweetness of the world, and perhaps hint at what is best within ourselves as well. Spring is the season of rebirth, the season of replenishment. I defy any cluttered, tumultuous, cacophonous television program to compete with the simple, quiet drama of the forsythias, the dogwoods, the roses, and the azaleas, to compete with a single miraculous bud.

James Russell Lowell wrote:

And what is so rare as a day in June?
Then, if ever, come perfect days;
Then Heaven tries earth if it be in tune,
And over it softly her warm ear lays:
Whether we look, or whether we listen;
We hear life murmur, or see it glisten.

As I have said, my dad was not himself a formally educated man. But, he understood and he appreciated nature, and he knew the tremendous value of an education. That is why he wanted me to go on to school. He did not want me to be a coal miner. He did not want me to earn my living in that way. He encouraged, indeed, he demanded that I study hard. He looked at that report card. He looked at that category denominated "deportment." And he always said: If you get a whipping at school, I'll give you a whipping when you get home. And I knew that that one would be the worst of the two. But he loved me. I knew he loved me. That is why he threatened to whip me; it was because he loved me.

He encouraged me to study hard and to develop my mind. He wanted something better for me. He knew that education was the key that I would need to unlock the potential in my own life.

So, Titus Dalton Byrd was a model for me not only of the virtuous individual life, but of married life as well. He and my mom, my Aunt Vlorma, were married for 53 years. I do not recall ever witnessing either of them raise a voice in anger against the

other. And I heard them say from time to time: We have made it a pledge that both of us would not be angry at the same time.

I have always counted myself as truly fortunate—truly fortunate—even though my life's ladder had the bottom rungs taken away. You ought to see where I lived, Mr. President. You ought some time to go with me down Mercer County and see where I lived—3 miles up the hollow, with no electricity, with no running water, the nearest hospital 15, 20 miles away, the nearest doctor the same. That was back in the days of the 2-cent stamp, the penny postcard. Some things were better; some things were not. But I have always counted myself as truly fortunate in having such exemplary role models.

A lot of people say today there are no role models anymore. Well, I had two role models in the good old man and woman who reared me.

They set the standard to which I have not always succeeded but I have always aspired. And, on May 29, my beloved wife Erma and I celebrated our 63rd wedding anniversary.

We both came from families, from mothers and fathers, who tried to bring us up right. And they inculcated into us a dedication to one's oath.

Like, I suspect, many fathers whose jobs consume so much of their time and energy, I regret the times away from my daughters when they were children. I am grateful for the capable and loving efforts of Erma who has shouldered so much of the responsibilities at my home. To the extent, limited though it may be, that I have been a good father, I am humbly indebted to Erma's having been such a wonderful mother. Our journey as a family has been a more tranquil one thanks to her patience, her understanding, and her strength.

Of course, the roles of fathers—and mothers—in some ways have changed a great deal over the course of my lifetime. Parents today are confronted with far more choices at home and work than my wife and I ever encountered when we began our family. But, one thing has not changed. One thing has, in my opinion, remained constant. Parenthood is, ideally, a partnership, a collaboration. It is a vitally important, lifelong responsibility, and best experienced, whenever possible, in the shared, balanced efforts of both parents.

No mortal soul is perfect or without fault. That is the reality of being human. We are all prey to losing our way at difficult times in our lives. But, a good father will provide his child with a map, a path to follow. The hallmark of that path, throughout life, is conscience. It is that inner moral compass that has been so essential to the greatness of our Nation, and that is, I fear, so buffeted now by an aimless, hedonistic popular culture.

The ancient truths of our fathers are perhaps more obscure in this noisy, materialistic society, but they are still

there—still there—gleaming and bright. John Adams, one of the great Founding Fathers of this Nation, said:

All sober inquiries after truth, ancient and modern, divines, moralists and philosophers, have agreed that the happiness of mankind, as well as the real dignity of human nature, consists in virtue.

The material things, with all their appeal and their comfort, are, in the end, fleeting. They are all transient. I remember not so much the tangible things—other than a piece of cake perhaps—that my dad gave me, as the values that he taught me. It is the treasured, if fleeting, moments together, the lessons learned, that endure. I can say now, from the perspective of a long and full and eventful life, that that is what matters. That is the greatest gift we can receive as children, and that is the greatest gift that we can bequest as parents.

A caring father is a lifelong comfort. I remember the stoic and kindly face of Titus Dalton Byrd. He encouraged me, he protected me, and his memory still guides me.

Mr. President, I have met with Kings in my lifetime, with Shahs, with Princes, with Presidents, with Princesses, with Queens, with Senators, with Governors, but I am here to say today that the greatest man that I ever knew in my long life, the really great man that I really knew in my long life, was my dad, Titus Dalton Byrd.

He taught me, in word and in deed, to work hard, to do my absolute best.

I close with this bit of verse:

THAT DAD OF MINE

He's slowing down, as some folks say
With the burden of years from day to day;
His brow bears many a furrowed line;
He's growing old—that dad of mine.
His shoulders droop, and his step is slow;
And his hair is white, as white as snow;
But his kind eyes sparkle with a friendly
light:
His smile is warm, and his heart is right.
He's old? Oh, yes. But only in years,
For his spirit soars as the sunset nears.
And blest I've been, and wealth I've had,
In knowing a man like my old dad.
And proud I am to stand by him,
As he stood by me when the way was dim;
I've found him worthy and just as fine,
A prince of men—that dad of mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I personally appreciate the remarks of the Senator from West Virginia. I only hope that my five children will reflect upon their dad someday as he has his.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the one thing we can always count on from Senator BYRD is to throw in some good, sensible reflection as we go on battering one another, at times over sometimes important things but sometimes not so important. There is a commercial about one of the brokerage firms, that when that firm speaks, everybody listens. When Senator BYRD

speaks, everybody should listen. We have a collection of his papers on the Senate, but he has done so many other things. Just think of the voice, but look at the message, and you capture the essence of Senator BYRD. I am going to miss him terribly when I leave here.

Mr. BYRD. I thank the Senator.

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

AMENDMENT NO. 3440

(Purpose: To condition the use by the FAA Airport Office of non-safety related funds on the FAA's completion of its investigation in Docket No. 13-95-05)

Mr. SHELBY. Mr. President, I call up amendment No. 3440 on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. MCCAIN, proposes an amendment numbered 3440.

Mr. SHELBY. 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. . ADDITIONAL SANCTION FOR REVENUE DIVERSION.

Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13-95-05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides of the aisle. I have talked to Senator LAUTENBERG about it. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3440) was agreed to.

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

Mr. LAUTENBERG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I thank the managers of the Transportation Appropriations bill for accepting my amendment that would prohibit the Department of Transportation from

making any airport grant to the Los Angeles International Airport until the Federal Aviation Administration concludes an investigation into illegal revenue diversion at the airport. The exception to this prohibition would be if such grants were required to ensure public safety. The investigation at issue here has been going on for more than five years without resolution, and American taxpayers deserve to know whether their money has been used for illegal purposes.

The investigation of revenue diversion about which I am concerned involves the City of Los Angeles and the Los Angeles International Airport, LAX. Unfortunately, this airport has served as the poster child for the problem of illegal revenue diversion for as long as I care to remember. In this case, a complaint was filed with the FAA in 1995 about the transfer of \$59 million from LAX to the city. Despite the fact that the DOT's Office of Inspector General has periodically contacted the FAA to inquire about the status of a decision by the FAA on the complaint, no decision has been forthcoming. As the Inspector General stated in a recent memo to the FAA on this subject, 5 years should be more than sufficient time for the FAA to consider the facts in the case and render a decision.

If there is no objection, I ask unanimous consent to print the Inspector General's memo in the RECORD.

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

(See Exhibit 1.)

Mr. MCCAIN. It is with a deep sense of frustration that I am compelled to act on this matter. As many of my colleagues know, I have been fighting against the illegal diversion of airport revenues for purposes that do not serve the aviation system. In fact, four years ago I spearheaded the legislative effort in the Senate to strengthen the laws against such revenue diversions.

Because we have a national air transportation system with considerable federal investment and oversight, funded in large part by the users of the system, it is critical that airports or the bodies that control them do not use monies for non-airport purposes. We cannot allow airports to receive federal grant dollars on the one hand, and spend other airport revenues for non-aviation purposes. This type of shell game results in the misuse of the underlying grant. That is one of the principal reasons there are laws against diversions of airport revenues. Unfortunately, many cities that control airports see them as sources of cash that can be tapped for popular purposes.

Another reason that revenue diversion is harmful is that our Nation's airports are meant to be self-sustaining. By keeping monies generated by airports at those airports, we ensure that an important part of the national transportation system is kept strong. If airports are used to generate cash for local jurisdictions, the airport itself

will suffer from the loss of resources. Even worse, air travelers will be effectively double taxed—once through federal aviation excise taxes, and a second time through the higher air fares that airlines will charge when their costs of maintaining the airport go up.

I stress that I am not advocating a specific result in this matter, and I trust that whatever decision or course of action the FAA may take will be made in the best interests of the country. In that vein, my amendment would allow grants to be made once the investigation is concluded, even if the determination is made that no action is necessary.

Again, I seek no preferential treatment for any of the parties in this matter. I desire only that this investigation be conducted appropriately, fairly, and in a timely manner. The delays that have occurred so far are just not acceptable.

Again, I thank my colleagues for accepting my amendment.

EXHIBIT 1

U.S. DEPARTMENT OF TRANSPORTATION,
May 10, 2000.

MEMORANDUM

To: Jane F. Garvey, Federal Aviation Administrator
From: Kenneth M. Mead, Inspector General
Subject: Action: Complaint by Air Transport Association Concerning Los Angeles International Airport

The Air Transport Association (ATA) requested the Inspector General's assistance in expediting resolution of ATA's formal complaint to FAA over the transfer of revenues from Los Angeles International Airport (Airport) to the City of Los Angeles (City). The complaint, filed in March 1995 pursuant to FAA's Investigative and Enforcement Procedures (14 CFR Part 13), questioned the transfer of about \$59 million from the Airport to the City. These funds were the proceeds from sale of Airport property to the State of California Department of Transportation for construction of the Century Freeway. The ATA considered the transfer to be a prohibited revenue diversion in violation of Federal regulations and grant assurances.

In May 1996 we issued a Management Advisory Memorandum (Report Number R9-FA-6-011) to your Associate Administrator for Airports discussing issues which FAA needed to consider in its deliberations on the merits of the ATA complaint. We pointed out the land sold to the State of California was used for aeronautical purposes, was purchased by the Airport, and severance damages associated with the sale should be paid to the Airport. In a June 1996 reply to our memorandum, FAA agreed to consider our information and make the memorandum a part of the Record of Decision on the complaint.

Over the past several years we have periodically contacted your Office of Associate Administrator for Airports to inquire as to the status of a decision by FAA on the ATA complaint. However, no decision on the complaint has been forthcoming.

On April 26, 2000, we informed the Acting Associate Administrator for Airports of the ATA request and she promised to look into why it was taking so long to resolve this complaint. Five years has elapsed since ATA filed its complaint. This should be more than sufficient time for FAA to consider the facts in the case and render a decision.

Please advise us as to when FAA expects to render a decision on the ATA complaint. If