

issued to the Japanese on June 19 had not seemed to serve as a wakeup call for the Government of Japan. It was my hope that by introducing Senate Resolution 155 simultaneously with the negotiations in Los Angeles it would drive home the point that international agreements are not to be unilaterally disregarded. I hope Senate Resolution 155 played a role in resolving this dispute.

Let me say to the cosponsors of this resolution that we still may bring it to the floor. We may seek to pass it because the resolution also addresses an important passenger carrier dispute with Japan that remains unresolved. What is happening is that Japan has denied our passenger and cargo carriers new opportunities to serve countries beyond Japan such as Korea, Malaysia, and so forth. The Japanese refuse to recognize "beyond rights" guaranteed by our air service agreement. That is what this dispute is all about.

Unfortunately, our aviation dispute with Japan over "beyond rights" is not completely behind us. United Airlines has patiently waited while U.S. negotiators focussed on the cargo dispute. Now, the United States must demand the Government of Japan honor the rights of our passenger carriers as well. United Airlines has been wrongly denied the right to start new service between Osaka and Seoul, Korea. This is another clear violation of the United States-Japan bilateral aviation agreement. It must be redressed promptly.

Mr. President, let me also say I am angered by some media reports from Japan declaring victory in the aviation dispute. Let me make this point loud and clear: This was not a victory for Japan. For months the United States has been offering to talk with the Government of Japan about our bilateral aviation agreement. Quite correctly, the United States said it would do so only after Federal Express' beyond rights were honored by the Japanese. These reports are preposterous.

The aviation dispute accomplished nothing for Japan beyond temporarily protecting its inefficient carriers from more head-to-head competition with our carriers. The dispute did galvanize Congress to take a tough stand in future aviation relations with Japan. It showed what our Government can accomplish when Congress supports our Secretary of Transportation and permits him to negotiate from a position of political strength.

Mr. President, I hope our resolve in the United States-Japan aviation dispute sends a strong signal to nations

around the world. If you enter into an agreement with the United States, you will not be allowed to pick and choose those provisions with which you will comply. Agreements between nations are solemn.

So, Mr. President, let me summarize by saying that last night I think our Government showed great progress in reaching the cargo aviation agreement with Japan. However, we did agree to give them some things in exchange for the agreement such as new cargo routes between Japan and Chicago. That might appear to some that we gave in. Overall, however, I think we stood firm and the cargo agreement is a step forward.

As Chairman of the Senate Commerce, Science, and Transportation Committee, I called a hearing last week to consider problems our air carriers experience trying to fly beyond Tokyo and beyond Heathrow. There is a system in both directions that prevents our carriers from flying beyond these important international gateways.

At times, the system which blocks our carriers can be subtle. For example, sometimes the Japanese and British technically comply with our aviation agreements but they impose certain "doing business" problems that prevent our carriers from competing effectively with their national carriers. Among these restrictions on competition are problems loading and unloading aircraft and requiring our carriers to use the old terminal while the host country carrier uses the modern terminal. There are other barriers that prevent our carriers for serving global destinations from Heathrow and beyond Japan.

Mr. President, I want to commend Secretary Peña. He has done an excellent job resolving this particular dispute. I have been a critic of his at times in the past. I am very sympathetic to the tough challenge he faces in international aviation negotiations.

What happens to the Secretary of Transportation is he is frequently undercut because what our air carriers tend to do is the one that gets the right to serve a foreign country sometimes works with the foreign government to keep other U.S. carriers out. Then the Secretary is presented with a letter from 6 or 8 Senators and 8 or 10 House Members who have a particular airline in their State or district which urges the Secretary to put the interest of the incumbent carrier ahead of the national goal of creating new opportunities for all our carriers. This under-

mines the Secretary's negotiating position.

To help correct this significant problem, I have urged that the economic interests of the United States be the basis for the Secretary of Transportation's international negotiations.

Mr. President, I do not see this as the end of our aviation problems with Japan. As I mentioned, a significant passenger issue involving United Airlines remains unresolved. Also, I suspect, having observed Japan's trade habits and protectionist activities, that they are going to keep attempting to block our carriers from serving points beyond Japan. There are many lucrative new air service opportunities in the Pacific rim. The Japanese know this and they likely will try to keep them for their own carriers.

We on this floor need to support the Secretary of Transportation in his efforts to open new international opportunities for our carriers and to protect existing aviation rights. We need to let the Secretary put the economic interests of the United States first. I hope someday we will no longer have to get bogged down in a system of bilateral aviation agreements. Instead, I hope one day we will have a multilateral aviation framework, like a GATT worldwide open skies agreement.

I congratulate the Secretary of Transportation. But I still think we may need to pass a resolution in the Senate giving the Japanese notice that we consider this a major trade issue. Also, we need to let the Japanese know that we expect the unresolved passenger carrier issue to be resolved promptly.

Mr. President, I yield the floor. I thank you very much for the additional time.

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RECESS UNTIL 9 A.M., MONDAY,  
JULY 24, 1995

The PRESIDING OFFICER. The Senate now stands in recess until 9 a.m. on July 24.

Whereupon, the Senate, at 3:58 p.m., recessed until Monday, July 24, 1995, at 9 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate July 21, 1995:

##### THE JUDICIARY

JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED.