year. Mr. Speaker, no amount of training can prepare a person for the moment when they face a real, life-or-death situation, but Travis Lieu, Tom and Josh Garvie were given the fundamental tools by learning lifesaving skills at school. By using these skills, staying calm and taking control of the situation, they were able to give Jessica Doherty a second chance at life.

Congratulations to Travis Lieu, Tom and Josh Garvie for a job well done.

BILL TO AMEND TITLE 49, UNITED STATES CODE, RELATING TO CRITERIA FOR GRANTING SLOTS TO NEW ENTRANT AIR CARRIERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. LAFALCE. Mr. Speaker, today, I am introducing a bill that will increase competition among airlines, resulting in lower air fares for travelers throughout the country. Specifically, my bill would amend title 49, section 41714(c)(1) of the United States Code to enable new entrant air carriers to obtain access to airport slots at high density airports.

Under current law, the Secretary of Transportation may grant exemptions for new entrants to obtain slots at designated airports only if: First, it is in the public interest; and second, the Secretary finds that exceptional circumstances exist. An October 1996 report by the General Accounting Office found that few new entries have occurred because the exceptional circumstances requirement has been interpreted narrowly by the Department of Transportation, although there is no language in the legislative history to support a narrow construction. My bill would eliminate the exceptional circumstances criterion, thus encouraging the distribution of slots to new entrants.

Section 41714 governs the distribution of airport slots at the four slot-controlled airports in this country: LaGuardia, Kennedy, Chicago, and Washington National. To reduce congestion during peak traffic periods, in 1969 the Federal Aviation Administration [FAA] set limits on the number of takeoffs and landings that can occur at these airports by allocating takeoff and landing slots equitably among airlines. In an effort to minimize the Government's role in the allocation of slots, in 1985 the Department of Transportation [DOT] amended its regulations to allow airlines to buy and sell airport slots to one another. Under this buy/sell rule, the DOT grandfathered slots to the holders of record as of December 16, 1985. However, the DOT reserved its right to withdraw slots from those airlines and redistribute them at any time.

As a result of this grandfathering, a few established carriers control the vast majority of slots at these major airports. Not surprisingly, a seller's market for these slots has emerged. Established airlines rarely sell their slots and when they do the costs range from $500,000 during nonpeak hours to as much as $2 million during peak hours. The GAO report notes that in order to mount competitive service in a market, an airline needs about six slots, with at least three slots falling during peak periods. The unavailability and high costs of these slots has effectively precluded many low-cost carriers from entering the market.

Recognizing the need for new entry at these slot-controlled airports, in 1994 Congress passed Public Law 103–305, which directed the DOT to grant exemptions from these controls when the Secretary of Transportation ''finds it to be in the public interest and the circumstances to be exceptional.'' However, because of the Department's narrow construction of the exceptional circumstances requirement, little new entry has occurred. By eliminating this test, my bill will make it clear that Congress intends that these exemptions be liberally granted when it would serve the public interest.

The Department of Transportation's recent Domestic Airline Fares Consumer Report found that high airfares are a serious problem for the traveling public in many communities. Opening the market at these major airports to new entrants will increase competition and drive down airline ticket prices to destinations throughout the country. It is my hope that this bill will be the first step toward lowering airfares for those communities that have not benefitted from deregulation.

INTERNATIONAL NARCOTICS CONTROL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mr. CALLAHAN. Mr. Speaker, I want to take the opportunity to clarify my position on the point of order that was raised during consideration of the bill in July on certain language included in the appropriation for international narcotics control.

Last year the Appropriations Committee nearly doubled funding for International Narcotics Control, from $115 million to $213 million. As part of a compromise on the funding level, the conferees agreed on bill language offered by Senator LEAHY that prohibited funds from going to the security forces of a foreign nation if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights. The Secretary may waive this prohibition if she certifies the government of such country is taking steps to bring the responsible members of the security forces to justice.

There are two similar provisions that already exist in the Foreign Assistance Act. One portion of that act, section 502B, explicitly states that no security assistance may be provided to a foreign country if that country engages in ''gross violations of internationally recognized human rights''. This provision can be waived by the President only under what that act calls ''extraordinary circumstances''.

According to information provided to the committee by Deputy Assistant Secretary of State Michael Ryan of the Bureau of International Narcotics and Enforcement Affairs, the Leahy amendment restates past and present policy. The policy embodied by the amendment, and as it is stated elsewhere in the Foreign Assistance Act, would be pursued whether or not the Leahy amendment existed.

This issue has arisen regarding proposed assistance to Colombia. Let's be clear; the only reason assistance has been suspended to Colombia is because the President found the Government of Colombia was not taking sufficient steps to halt narcotics trafficking. Let me repeat; other than existing counter narcotics assistance, funds previously committed for Colombia have not been made available to that country due entirely to the provisions of section 490 of the Foreign Assistance Act.

For the past year, the executive branch has been debating whether to provide funds appropriated in prior years to the Government of Colombia, but withheld due to the decertification of that country. To make these funds available, the President must use section 614 of the Foreign Assistance Act, which allows him to waive other provisions of law.

Using section 614, the President has requested that up to $30 million in prior year funds and equipment be made available for Colombia—$17 million for the Colombian National Police and $13 million for the Colombian military.

The law he is waiving is not the Leahy amendment, which does not apply to these funds, but the provisions of the Foreign Assistance Act which resulted in the decertification of Colombia.

I have no problem with the President's proposal; he has the authority under section 614 to make these funds available to Colombia irrespective of the prohibition in the counternarcotics provisions of the Foreign Assistance Act.

My understanding is the administration has concerns about the use of these funds by certain elements of the Colombian military. Deputy Assistant Secretary Ryan has informed the committee that such concerns would exist irrespective of the Leahy amendment. Indeed, the Leahy amendment does not prevent the use of such funds for two reasons; first, they were appropriated prior to the existence of the Leahy amendment, and second, 614 of the Foreign Assistance Act would allow for a waiver of the Leahy amendment even if it applied to such funds.

The administration and the Colombian military have now reached an agreement on the use of these funds, and they should begin flowing in the near future.

I have gone into some detail about this since a number of Members appear to have misunderstood the effect of the Leahy amendment. Last year I opposed the Leahy amendment because it micromanages foreign policy, but it is clear the policy embodied by the amendment is current administration policy which is why I reluctantly agreed to it. But it is very important for Members to know that the Leahy amendment is not the reason funds have been held up to the Colombian military; decertification of Colombia is the reason.

I know the gentleman from New York, the chairman of the International Relations Committee, is also pursuing a legislative solution to the decertification of Colombia that would allow prior year funds to be made available to that country for counternarcotics purposes. I hope he is successful.