

within 10 days or less of the actual violation. In fact, the median time lapse between the violation and the emergency order was a little over 4 months. That is 132 days, Mr. President. I suggest to you, how can that be considered an emergency if nothing happened until 132 days after the alleged violation?

I think clearly at issue is what constitutes an emergency. Simply defined, an emergency is "an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action." Yet, as discussed above, the "urgent nature" of the revocation which "demands immediate action" has more often than not occurred several months previously.

There are far too many cases where the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action.

Mr. President, I have other cases that I could drag out here and talk about, such as the case of Bob Hoover. I have had the privilege of flying in airshows with Bob Hoover for over 30 years. Bob Hoover—probably if you were to ask anyone in the aviation community who the best pilot in America is, they would probably say Bob Hoover. Yet he was the victim of the emergency revocation. We had to go to bat for him, and we had literally thousands of letters from all over America coming to the aid of Bob Hoover because everybody knew there is nothing wrong and nothing of an emergency nature to the revocation of his ability to fly.

So, Mr. President, I feel that this being the No. 1 concern and issue of general aviation today—it is a sense of fairness issue, something that has worked very well in the case of civil penalties—it is one that I feel should be changed in the FAA regulations.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, I do not mean to end this, but we are getting to the point where we have amendments up. And apparently no one wants to vote tonight, but we would like to get our amendments up. And Senator AKAKA has remarks as it relates to the legislation itself. I do not want to prevent—

Mr. GRAMS. This will be very brief.

Mr. FORD. Fine.

Mr. GRAMS. I thank the Senator from Hawaii. I did talk to him and ask if it was all right.

Mr. FORD. We are trying to move this legislation forward. And I did not want to cut the Senator from Oklahoma off either.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota is recognized as in morning business.

Mr. GRAMS. Thank you, and I again thank the Senator from Hawaii for allowing me to make a brief statement.

#### TRIBUTE TO MURIEL HUMPHREY BROWN

Mr. GRAMS. Mr. President, I rise today to pay tribute to Muriel Humphrey Brown, who was the widow of the late Senator and Vice President Hubert Humphrey and known to many throughout my state as Minnesota's "First Lady."

Mrs. Humphrey Brown passed away on Sunday at the age of 86. Throughout her life, she remained steadfast in her dedication to family and her interest in politics. In her last public appearance, just 5 days before her death, she was on hand to congratulate her son, Skip Humphrey, for winning the Minnesota DFL gubernatorial primary.

Many of my colleagues knew her, respected her, and join me in offering our heartfelt condolences to her husband, Max Brown, her sons Hubert, Doug and Bob, her daughter Nancy, and the entire Humphrey family.

Muriel Humphrey Brown was born on February 20, 1912, in Huron, SD. After marrying Hubert Humphrey, she became a devoted mother and enthusiastically took on the role of a political wife.

She played an active part in her husband's numerous campaigns. After Hubert's death in 1978, Muriel was appointed to his Senate seat, the same Senate seat that I am proud to hold today. By finishing out her late-husband's term, Muriel Humphrey Brown became Minnesota's first and only female U.S. Senator and just the 12th woman to serve in the U.S. Senate. In fact, she was the only woman serving in the Senate at that time.

In carrying out her husband's Senate term, Muriel Humphrey Brown was an inspiration to women throughout Minnesota as she accepted the call to public service even in her time of great personal loss. Rather than being known simply as the wife of the most popular politician in Minnesota, Muriel left her own mark on those issues of public policy about which she felt so strongly.

Her calm and gentle manner did not mute her passionate voice on behalf of social programs, labor issues, and the mentally disabled. She once described her term in the Senate as, "the most challenging thing I have ever done in my whole life." In 1979, she married Max Brown and lived the rest of her life out of the political spotlight. Her devotion to family and public service is truly an inspiration to all Minnesotans, and I am proud to say that her legacy will remain. It is a special honor for me to hold the Senate seat she once held, in the Chamber where she served with such grace, dignity, and honor.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### WENDELL H. FORD NATIONAL AIR TRANSPORTATION SYSTEM IMPROVEMENT ACT OF 1998

The Senate continued with the consideration of the bill.

Mr. AKAKA. Mr. President, I support S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act of 1998. This measure will enhance the safety and efficiency of our air transportation system, upon which the island state of Hawaii is uniquely dependent. I am pleased that this weighty legislation is named for the departing senior senator from Kentucky, whose contributions to aviation are legion. I am especially supportive of Title VII of the bill which addresses the issue of air tour operations at national parks.

Mr. President, Title VII of S. 2279 establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. The legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with public input from stakeholders, to develop an air tour management plan (ATMP) for parks currently or potentially affected by air tour flights.

Under the ATMP process, routes, altitudes, time restrictions, limitations on the number of flights, and other operating parameters could be prescribed in order to protect sensitive park resources as well as to enhance the safety of air tour operations. An ATMP could prohibit air tours at a park entirely, regulate air tours within half a mile outside the boundaries of a park, regulate air tour operations that impact tribal lands, and offer incentives for the adoption of quieter air technology. An ATMP would include an environmental determination.

S. 2279 also creates an advisory group comprising representatives of the FAA, Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

As embodied in the ATMP process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and aviation needs can be addressed in the context of the unique circumstances that exist at individual national parks.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialogue among diverse stakeholders, mirrors key elements of legislation—the National Parks Airspace Management Act, cosponsored by my colleagues Senator INOUE and Senator FRIST—that I have promoted in the last three Congresses.

Mr. President, adoption of this bill is essential if we are to address effectively the detrimental impacts of air tour activities on the National Park

System. Air tourism has significantly increased in the last decade, nowhere more so than at high profile units such as Grand Canyon, Great Smoky Mountains, and Haleakala and Hawaii Volcanoes national parks in my own state. A 1994 Park Service study indicated that nearly a hundred parks experienced adverse park impacts, and that number has assuredly risen since then. Such growth has inevitably conflicted with the qualities and values of many park units, in some instances seriously.

While air tour operators often provide important emergency services, enhance park access for special populations (e.g., the handicapped and elderly), and offer an important source of income for local economies, notably tourism-dependent areas such as Hawaii, unregulated overflights have the potential to harm park ecologies, distress wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations can also pose a safety hazard to air and ground visitors alike.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interests of the aviation and environmental communities. Congress and the Administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress's initial, but limited attempt to address the overflights issue. S. 2279 will finish where the 1987 Act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balancing the needs of air tour operators against the imperative to preserve and protect our natural resources.

Mr. President, the overflights provisions of this bill are the product of good faith efforts on the part of many groups and individuals. They include: members of the National Parks Overflights Working Group, whose consensus recommendations form the underpinnings of this legislation; representatives of air tour and environmental advocacy organizations such as Helicopter Association International and the National Parks and Conservation Association; and, officials of the FAA and Park Service, notably Park Ranger Wes Henry, the Park Service's long-serving point man on overflights, who has served as the agency's institutional memory and conscience on this issue.

However, Title VII is above all the product of the energy and vision of Senator JOHN MCCAIN. As the author of the 1987 National Parks Overflights Act, Senator MCCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has employed his moral authority and legislative acumen impel progress on this subject. For his leadership in writing this bill and for his long advocacy of

park overflight issues, Senator MCCAIN deserves our lasting appreciation.

Mr. President, I am tremendously honored to have worked closely with Senator MCCAIN over the last year to formulate an overflights bill that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources that give value to a park; these must be protected. I believe that the pending measure reasonably and prudently balances these sometimes opposing considerations, and urge my colleagues to support this legislation.

That concludes my remarks, Mr. President. Before closing, however, I would like to recognize the staff of the Commerce Committee—including John Raidt, Mike Reynolds, Charles Chambers, Sam Whitehorn, and Ann Choiniere—for their hard work in putting this legislation together. Ann Choiniere especially deserves mention for her day-to-day management of this issue. I would also like to recognize former members of my own staff, Kerry Taylor, Bob Weir, and Steve Opperman, who made important contributions to this issue. Steve in particular has served as an expert resource whose tireless, and largely unheralded contributions have shaped the overflights debate in a major way.

I yield the floor.

Mr. MCCAIN. Before my dear friend from Hawaii leaves the floor, let me thank him for his kind words. As always, he is too modest. For many years now he and I have worked together on this issue. His dedication to the protection and preservation of Haleakala's and Hawaii's volcanoes is notable. It is noteworthy and it is in keeping with his incredible dedication, passion and efforts on behalf of his Native Hawaiians, as well as all citizens of his most beautiful State.

I thank the Senator from Hawaii for his kind remarks.

Mr. FORD. I associate myself with the remarks of the distinguished chairman, and thank my friend from Hawaii for his kind remarks about me personally. It seems that more of these remarks are coming as the days near the end, and maybe I won't want the days to end, but I do thank my friend from Hawaii very much.

AMENDMENT NO. 3620

Mr. MCCAIN. Mr. President, I want to go back to the amendment of the Senator from Oklahoma. I admire the tenacity and commitment to aviation of the Senator. Also, I have had the privilege of personally experiencing his piloting skills while being with him in the great State of Oklahoma. Although I must admit that my willingness to ride in an airplane with him while he was at the controls had more to do with my conviction that because of my colorful history associated with avia-

tion having long ago convinced me I was not intended to die in an airplane, as I watched my dear friend from Oklahoma fly into what one would describe as "threatening weather" with intrepid courage and skill, I have grown to appreciate him even more.

Associated with that kind of piloting skills is his dedication to aviation and his tenacity associated with this issue specifically. I don't agree with the amendment of the Senator, but I do believe and I am convinced we can work out something which will be agreeable, because the Senator from Oklahoma does identify a problem. I don't agree with the Senator from Oklahoma that it is as big a problem, but when someone like Mr. Hoover, who he just described, is subjected to what he was subjected to, then there is a problem. But I am just not convinced that the remedy that the Senator from Oklahoma is prescribing is the proper remedy. He certainly, in a very articulate fashion, describes the problem we need to work together and address.

The FAA uses its emergency authority only as a remedial measure when a certificate holder lacks the necessary qualifications to hold the certificate, and the continued exercise of the privileges of the certificate would be contrary to public safety in air commerce or air transportation. All emergency suspensions are premised on a reasonable suspicion as to the certificate holder's qualifications.

FAA policy since approximately 1990 has generally been that an emergency exists in which a certificate holder lacks the technical qualifications, or the care, judgment, or responsibility to hold an FAA certificate, and remains in a position to use the certificated skills. In such cases, the FAA has reasoned that it intolerably threatens air safety to permit pilots, aircraft mechanics, or air carriers, for example, to operate or repair aircraft when the FAA has reasonably concluded that they do not possess the qualifications necessary to perform those functions. If it is clear that a certificate holder will be unable to exercise the privileges of the certificate, the FAA will not invoke an emergency suspension.

An emergency order is effective immediately upon issue, rather than being stayed pending conclusion of the adjudicative process. An expedited adjudication process is initiated since the certificate holder immediately loses his or her privileges. The FAA respects the privilege of holding a certificate, but must ensure as its primary mission the highest standards of aviation safety. Retaining authority to take immediate action in emergency situations is integral to the FAA's ability to carry out this mission.

While S. 842 would not limit the FAA's ability to immediately revoke a certificate, it would complicate the process of appealing such an order by providing new avenues of appeal in addition to those already existing. Currently, a person subject to an emergency revocation order may appeal the

emergency nature of that order to the U.S. Court of Appeals. There is no deadline for the Court of Appeals to act although the FAA claims that the court will usually rule within 5 to 7 days. According to the GAO, few choose to do this and even fewer prevail.

This amendment changes this procedure for challenging the emergency nature of a suspension. Rather than appealing to the Court of Appeals, the emergency nature of the revocation could be appealed to the NTSB. Under the amendment, the NTSB would have 5 days to decide whether it was really an emergency. If the person does not prevail before the NTSB, he or she would then be able to appeal to the U.S. Court of Appeals under the same circumstances as currently exist. This risks placing substantial strain on limited agency resources by creating a right to appeal to the NTSB, when there is no demonstrable need for such change.

Between 1993 and 1997 the FAA initiated an average of only 2.55% of its total enforcement caseload as emergency actions. This average demonstrates the FAA's commitment to using this authority only in those cases where the FAA finds that a serious question exists as to a certificate holder's qualifications, and no other action will suffice to ensure the highest standards of safety are maintained. Additionally, the FAA prevails on the vast majority of emergency actions before the NTSB, supporting its position that it has acted properly and not abused its authority. From 1990 through 1997, the FAA was reversed in only 2% of the cases in which emergency orders or revocation were issued, and in only 1% of the cases in which emergency orders of suspension were issued.

The FAA opposes S. 842. The agency argues that the bill does not alter what may be appealed, merely who would have jurisdiction of an appeal. The FAA believes that S. 842 does not make the process more effective or efficient, but rather creates several new final agency decisions, all of which would be subject to appeal in the Courts of Appeals, which in turn would complicate and potentially prolong, not streamline, the process.

The FAA has stated that, even if the bill is enacted, an equal number of emergency actions can be expected to be issued with the only result being the additional strain on FAA and NTSB resources in response to more appeals regarding the existence of an emergency. On the other hand, if the legislation results in a significant enough strain on FAA resources that the agency is discouraged from its current use of its emergency authority, the FAA argues that it would permit allegedly unqualified certificate holder to operate one to two years or longer, while the non-emergency litigation is ongoing. In sum, the FAA does not believe that its actions and record before the NTSB

support the need for any change in the current system.

Mr. President, I am always reluctant, whenever we are talking about safety—and maybe it is a bit of cowardice, but I think it is good sense when we are talking about safety to be very, very, very serious about the recommendations of those agencies that we entrust with those responsibilities.

Obviously, the NTSB is one of those. As the Senator from Kentucky will attest, we have had the NTSB before our committees on many occasions—not just aviation, but many others. They are comprised of very outstanding, knowledgeable people. Mr. Hall, in particular, has impressed us a great deal.

I understand the Senator from Oklahoma will want a recorded vote. I want to assure him that if he doesn't prevail on this vote, I want to work with him because he has cited serious examples of abuse of power—or certainly injustice, if not abuse of power. The Senator from Oklahoma deserves, as those people who have not been fairly treated or where there is the appearance of unfair treatment—I won't allege that it actually happened, but certainly if there is an appearance of it, I want to work with him in getting something added in the bill to provide additional protections. At the same time, I hope that whatever we do, we can achieve the support and cooperation of both the FAA and the NTSB, which is not the case with this amendment.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Kentucky.

Mr. FORD. Mr. President, I join my chairman in his remarks. I thought they were excellent and to the point. I agree with Senator MCCAIN that we ought to work with the Senator from Oklahoma to see if we can get something in the bill that will at least recognize the problem that he has brought forth here this afternoon.

As of now, I will join with my colleague and oppose Senator INHOFE's amendment. It is my understanding that GAO, FAA, and the Department of Transportation IG have all looked at FAA's use of its emergency authority. There are only a few cases where the FAA has been reversed. GAO found that FAA used its authority in only 3 percent of its enforcement cases from 1990 to 1997. It shows a great deal of restraint that they only use it in cases where they think it is an emergency. And, as my friend from Arizona has said, most of those cases have been upheld. So FAA must have the authority—must have the authority—to revoke certificates on an emergency basis.

The National Transportation Safety Board, FAA, and GAO all oppose any change. Beyond that, I think I will join with my friend from Arizona in trying to work out something that might be satisfactory, rather than just to look at it a little closer than we have been

looking at it. We can all find one or two horror stories. I don't know how many certificates were revoked. I don't know how many charges were presented to the FAA. Those figures are not here. But in all cases, the percentage that Senator MCCAIN represented—2 percent or 1 percent—and then only 3 percent, from 1990 to 1997, of its enforcement cases have they revoked certificates. So I think it indicates that there is a concern on the part of FAA that they not do anything irrational, but that they look at the cases thoroughly and then make a judgment as it relates to emergency authority only.

So I hope that the Senator from Oklahoma will give us an opportunity to sit down and work with him. I hate to be in opposition to all the amendments that are brought, but this is one that I will have to be opposed to and would encourage my colleagues to vote against if the Senator insists that we go on.

He stops in my hometown on occasion, I say to my friend from Arizona, and buys gasoline from the chairman of the Republican Party in my county. He is keeping the Republican Party going. I want him to continue to fly over the Owensboro stop and fill up with gasoline and keep our economy going. I would not want him to not stop in Owensboro. I gave you a hometown reason for us to try to help the Senator from Oklahoma to work something out. I look forward to him agreeing to that. If not, I could not agree to a vote tonight. I am sure the Senator would not want one either. We would have to wait and set a time certain for tomorrow because I understand that his side has a little shindig tonight that they would like to get to. We will accommodate him as they accommodated us last night. We ought to reciprocate, under the circumstances.

I yield the floor.

Mr. INHOFE. Mr. President, first of all, let me respond to the distinguished Senator from Kentucky. I can assure him that I will continue to stop in Owensboro to get my gas as I fly. There is good reason for that; it is the cheapest gas between Tulsa, OK, and National Airport.

Mr. FORD. We also have mighty fine barbecue there, too.

Mr. INHOFE. I eat at the Moonlight Cafe, which is owned by the chairman of the Democratic Party.

Mr. FORD. See, he is neutral.

Mr. INHOFE. Mr. President, I don't disagree with some of the statements made here. I have a little different interpretation. I think the Senator from Arizona is correct when he says 2.55 percent of those were of an emergency nature. The numbers equate to about roughly 300 people.

Now, all too often, we stand down here and say it is such a small number that, if there is an injustice, it doesn't affect that many people. I think that is probably true, but those individuals who are affected, it is a matter of taking away their livelihoods. I disagree

with the way the system works. When I look at the average between the time of the alleged offense and the emergency revocation, the average time of those in this last entire year was 132 days. I ask the question, How could there be an emergency nature to these revocations if it takes 132 days before that license is revoked?

I also comment on the extreme cases that we bring out, such as the Ted Stewarts and the Bob Hoovers. There are many others out there like that. Again, we are not talking about anything that is going to impair the safety of the flying public or the pilots because we are setting aside a process whereby there are a certain number of hours to appeal this to the NTSB. It goes back to using the same argument that was successfully used when we changed the rules having to do with civil penalties. With civil penalties, we argued that you can't have just the FAA be the judge and jury and appellate court; and, of course, it has worked out very well since then.

While I respectfully disagree with my colleagues from Arizona and Kentucky, I say that there is no interpretation that can be put on my amendment that is going to do anything to make flying more hazardous, or to keep a person from holding a certificate if there is an emergency nature to the revocation. If there is an emergency nature to the revocation, as determined by the NTSB—and that is their job—then, of course, they will keep the certificate and that individual will not have the ability to fly an airplane.

Let me just make one comment about the NTSB because, while it has been stated that the NTSB and FAA are both opposed to this amendment, I can assure you we talked as recently as yesterday to Dan Campbell, the chief counsel for the NTSB, and he says, no, it is natural that they generally don't want a heavier workload than they currently have. But he feels that this is a fair approach, and they don't have an official position against it.

Does the FAA? Yes. I think any time you are dealing with a bureaucracy—I don't care if it is the IRS, the FDA, the EPA, or the FAA, or any of the rest of them—they don't like to give up anything. This way, they would be giving up part of this appellate process. This is a matter of fairness.

I recognize that we will not be voting until tomorrow. However, 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.

Mr. INHOFE. I thank the Chair.

Mr. FORD. There we go. We are working together again.

Mr. INHOFE. That is right.

Mr. President, I will make one last comment. In the event that my amendment will not prevail tomorrow, I look forward, of course, to working with both the Senator from Kentucky and the Senator from Arizona to try to make it more workable.

I yield the floor.

AIRPORT PROTECTION FROM FORCED SCHEDULED SERVICE

Mr. ALLARD. Mr. President, today I am speaking in support of an amendment to address a problem facing small reliever airports that do not accept scheduled service operations. Centennial Airport is a small reliever airport near Denver, Colorado, where operations consist primarily of small private chartered and business planes. A unique situation exists at Centennial Airport involving certain charter services and a loophole in the federal regulations governing scheduled flights.

Centennial Airport is not certificated for scheduled flight service. In fact, the Airport Authority, with strong local backing, has banned scheduled service at Centennial. According to federal law, the Federal Aviation Administration cannot force any airport to become certificated. The airport is not equipped with a terminal, baggage system, or passenger security. Furthermore, Denver International Airport is less than 25 miles from Centennial, and has the capacity to handle additional scheduled service operations.

A situation arose more than three years ago when a company called Centennial Express Airlines, Inc. began charter service at Centennial, but immediately announced that the airline's service would continue as scheduled service. The Airport Authority sued and the County District Court ordered the flights stopped. In April of this year the Colorado Supreme Court ruled in favor of Centennial Airport Authority's ban. The Court cited the safe operation of the airport as a priority, and upheld the airport's discretion to prohibit scheduled passenger service.

While this decision protected the airport's right to refuse scheduled service, a similar situation recently arose with another company, Colorado Connection Executive Air Services, and the result has been detrimental for Centennial Airport.

In 1997, Colorado Connection proposed to start public charter passenger service pursuant to a regular and public schedule. Colorado Connection, which is entirely owned by Air One Charter, tried using a combination of Department of Transportation and Federal Aviation Administration exemptions to offer scheduled service. Air One Charter indicated intent to market 6-12 daily flights to various Colorado cities and to contract baggage services for their flights.

The Centennial Airport Authority unanimously voted to deny airport access to Colorado Connection's scheduled service. The vote took place in April 1998 and a month later the FAA initiated a Part 16 investigation. The FAA claims that the Airport Authority's move to deny service is unjustly discriminatory. Recently, the FAA issued a decision to pull federal funding for Centennial Airport if the ban on scheduled service is not lifted.

This decision is in direct conflict with the Colorado Supreme Court's ruling on the issue. It is the result of a loophole in a law that was not intended to force small airports to take on the responsibility and burden of supporting scheduled service.

Immediately following the announcement of the FAA's decision, the owner of Centennial Express was reported by the Denver Post to have plans to begin scheduled flights from Centennial Airport.

I have proposed legislation to rectify this situation and uphold the authority of airports like Centennial to ban all scheduled service if they choose to do so. This proposal allows a general aviation airport to deny access to a public charter operator that operates as a scheduled service, and clarifies that such action would not be in violation of requirements for federal airport aid. This will not require any airport to do anything, and it will not allow an airport to discriminate against one scheduled service operator and not another.

This measure, which is included in the manager's amendment, is nearly identical to language that the House Commerce Committee has included in its FAA Reauthorization Act. It would prohibit the FAA from charging discrimination if an airport chooses to deny access to scheduled service operators. It will only apply to reliever airports that are not certificated under Part 139 to handle scheduled service and airports within 35 miles of a large hub airport.

I appreciate my colleagues' support for the rights of small airport authorities and surrounding communities to retain control over their airports.

BANNING COMMERCIAL TOUR OVERFLIGHTS AT ROCKY MOUNTAIN NATIONAL PARK

Mr. President, I begin by thanking Chairman McCAIN and the other Committee members for their efforts to mitigate the problems presented by scenic overflights at national parks. Tour overflight disturbances are a growing problem at a number of parks. This is an issue that I have been involved in for the last four years, and I recognize that other Members of Congress have tried to address this issue.

While I support the plan put forth by the Committee, I am offering an amendment to modify the overflights bill to address a specific Colorado issue. I appreciate the Chairman's willingness to work with me on this problem.

In particular, I am concerned that helicopter sightseeing tours at Rocky Mountain National Park would seriously detract from the enjoyment of other park visitors and would have a negative impact on the resources and values of the park itself, and I worry about the serious safety risks involved with overflights in this area.

Rocky Mountain National Park is a relatively small park in the Rockies, about 70 miles from Denver. The park receives nearly three million visitors each year, almost as many as Yellowstone national park, which is eight

times its size. The park is easily accessible, yet continues to provide quiet, solitude, and remoteness to visitors, especially in the back country. Trail Ridge road provides a unique experience for visitors that are not able to hike in the park. It is the highest paved highway in the United States, and crosses the park from east to west. Spectacular views of peaks and valleys can be seen from the road and nearby overlooks in every direction, similar to what you could see during a helicopter tour. Trail Ridge Road reaches above the timber line and travels for 4 miles above 12,000 feet and for 11 miles above 11,000 feet.

Several problems are specific to this mountainous national park. The elevation of the Park does not allow for a large minimum altitude to minimize noise, therefore, according to the National Park Service, natural quiet is unlikely if overflights are permitted at all. The terrain, consisting of many 13,000 foot peaks and narrow valleys, coupled with unpredictable weather presents serious safety concerns. Also, the unique terrain of Rocky Mountain National Park would cause air traffic to cumulate over the popular, lower portions of the park as pilots are forced to navigate around the dangerous peaks and high winds. Not only would the overflights be concentrated directly over the most popular portions of the park, but more powerful, and louder, helicopters must be used to achieve the necessary lift at a high altitude.

Rocky Mountain National Park has been fortunate enough to be free from overflights to this point, partially because local towns have discouraged companies that might provide such services. Last year the FAA issued a temporary ban on sightseeing flights over Rocky Mountain National Park.

In light of these distinctive qualities, one can assess that the best solution to overflight disturbance is a ban on commercial tour flights at Rocky Mountain National Park. My proposed ban will apply to commercial tour overflights only, with exceptions granted for emergency flights and commercial airlines and private planes. Both the senior Senator from Colorado and I are strongly behind this effort to permanently ban overflights at the park.

A ban would be completely consistent with the recommendations of the overflights task force. There has been public involvement and preparation of an air tour management plan. There is no need to repeat the steps required under this legislative proposal at Rocky Mountain National Park.

A commercial tour overflight ban has wide spread support throughout my state. State and local officials in areas adjacent to the park strongly support a ban on overflights. In fact, local ordinances already exist to protect the quiet at the Park. The entire Colorado delegation and Colorado's Governor are on record in support of an overflight ban. My proposal is supported by the

business community, including the local Chambers of Commerce, as well as the local environmental community.

In 1995, one of our top Denver newspapers editorialized that the FAA should make Rocky Mountain National Park off-limits to low-flying aircraft use, "the sooner the better." Now, three years later, we have finally taken the opportunity to place a permanent restriction on scenic overflights.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

#### PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that John Bradshaw, who is a fellow in my office, be allowed to be on the floor for the duration of this statement.

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

Mr. WELLSTONE. I thank the Chair.

#### KOSOVO

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a letter which I sent to the President about Kosovo be printed in the RECORD.

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

SEPTEMBER 22, 1998.

President BILL CLINTON,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT: As NATO Defense Ministers, including Secretary Cohen, gather in Portugal this week to consider the situation in Kosovo, I write to express my deep concern over the growing humanitarian crisis there. Unless immediate and determined action by the U.S. and our western allies is taken to address this situation, it is clear we will begin to face a catastrophic loss of civilian lives with the onset of winter in the region as early as mid-October.

Despite tight constraints on their reporting by the government of Serbia, the western media daily offers new reports on the rapidly deteriorating situation there. Candid assessments by Administration officials acknowledge the growing crisis. Systematic and brutal military action by Serbian forces, accelerated during their summer-long offensive against UCK forces, has forced an estimated 300,000 or more ethnic Albanians to flee their homes. While many have fled as refugees to neighboring countries, most of these displaced persons remain inside Kosovo and are now vulnerable to exposure, starvation, disease and further Serb military attack. I understand that Assistant Secretary for Refugees Julia Taft concluded during her recent visit there that over 210 villages in the region have already been looted, and many torched, by Serbian security forces.

Serbia has failed utterly to comply with the persistent demands of the Contact Group to: (1) cease attacks on civilian populations, and withdraw its forces used to repress civil-

ians; (2) permit the establishment of an effective international observer group in Kosovo; (3) allow refugees and displaced persons to return to their homes safely, under international supervision; (4) allow unimpeded access for humanitarian organizations and supplies; and (5) make rapid progress in the dialogue with the Kosovar leadership.

While Ambassador Hill is to be commended for his persistent diplomatic efforts, it is clear that the time has come for a more vigorous and sustained high-level multilateral effort to pressure President Milosevic to comply fully with Contact Group demands. I urge you therefore to proceed immediately with a series of steps designed to prevent the looming humanitarian crisis and to prepare for possible implementation of more forceful options developed by NATO planners. These actions include:

Moving forward now, under NATO auspices, with the pre-deployment phase of NATO military plans on Kosovo, including securing base rights agreements in the region, immediately assessing the contributions of each NATO member in the event military action is necessary, and then forward-deploying appropriate levels of NATO military forces and equipment, thus preparing us to take any appropriate military action that may be necessary to secure Serb compliance with Contact Group demands, and with international law regarding the treatment of Kosovar civilians;

Bolstering border security efforts through preventive NATO force deployments which can increase regional stability and assist in international monitoring and anti-arms smuggling efforts;

Leading an immediate multilateral effort, at the United Nations and through regional bodies like the European Union, to tighten the existing sanctions regime on Serbia, and to re-impose the trade embargo, total airlift and investment bans, and other sanctions lifted after signing of the Dayton Peace Accords, coupled with renewed enforcement initiatives to prevent the flourishing of black markets under a full embargo;

Accelerating U.S. and NATO logistical support for the ongoing international humanitarian aid effort in Kosovo, including pre-deployment of humanitarian supplies in Kosovo in anticipation of winter distributions by NGOs—but only in a way which avoids absolutely the prospect of a repeat of the disgraceful "safe haven" disaster of Srebrenica;

Pressing for more extensive access for human rights monitoring in Kosovo by internationally-recognized organizations, including the Organization for Security and Cooperation in Europe, and non-governmental monitors, and providing appropriate support and assistance for their efforts;

Encouraging the International Criminal Tribunal for the Former Yugoslavia immediately to send its Chief Prosecutor to Belgrade and Kosovo; increasing aid and intelligence support to the Tribunal; and assisting them in placing forensics teams on the ground there, thus signaling to all parties that the Tribunal is committed to prosecuting war crimes committed in Kosovo, including attacks on innocent civilians, and has begun to actually gather evidence to support potential indictments against perpetrators—and their commanders and political leadership to whom they answer;

I believe it is essential that these actions be taken as quickly as possible. We must act now, before the onset of winter in Kosovo, to prevent a potential humanitarian tragedy of historic proportions. I also recognize that these steps in themselves may not be sufficient to force Serbia to comply with the Contact Group's demands in a timely manner,