age of 60. I will tell you that some pilots aren't ready to retire at the age of 60. In fact, some pilots shouldn't be retired at 60. They are still able, physically fit, and mentally fit to fly airplanes past that age of 60. The age of 60 does not affect everyone the same way. In fact, I was thinking the other day that 65 doesn't sound nearly as old as it used to. But some pilots are fit enough to keep on flying.

I understand there is great opposition to changing that rule until I look around the world and see what is happening when we have pilots flying major airlines in American airspace that have no age limit at all. Eight countries that fly into and connect into the United States have no age limit at all. In other words, if that pilot is 65, and fit mentally and physically, he still is a captain of that airplane. I think we have to take a look at that.

Also, I find it disturbing that the Federal Government can apply a blanket regulation, such as the age of 60 rule, determining that a pilot exceeding that age is considered a hazard. I cannot accept that at all.

There is also some question about flight and duty time rules that could worsen the pilot shortage and impact air service to those rural areas. I want the Appropriations' Subcommittee on Transportation and the Subcommittee on Aviation of the Commerce Committee to be aware that I think this issue needs a hearing in Washington at the full committee level to make them aware that we may be overlooking some things at the route level that could help us in providing more air service to this country.

We all say our skies are full. Do you realize that commercial air service—basically 85 percent of the air service in this country—takes up only 5 percent of the airspace because of an old, outdated system that we have for vectoring and ITC across this country?

I think maybe we should look at that. I appreciate the time given me by the chairman and the ranking member this morning.

But that is the result of the hearing we had in Kalispell, MT. I think Senators should take a look at this and offer some comments. But I think we should have a hearing on this particular problem in Washington at the full committee level.

I thank the Chair. I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER (Mr. ALLARD). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have a sense-of-the-Senate resolution by the Senator from Louisiana. She asked for a study, which in this place is a relatively harmless gesture. But what I hear in response is that suddenly the Senate wants to be an expert on airlines. No. I don't see it that way. What I see is that we are experts on protecting the public. That is our responsibility. That is why we are sent here—to take care of the public and not to take care of the airlines ahead of the public.

The airlines are wonderful companies. But they are not beyond criticism. They have what amounts to a very uneven playing field. They get their slots. The facilities are paid for by the airline passengers, not the airlines. The airlines have unlimited use of our nation's airspace. They get preferential treatment. They have an air traffic control system paid for by the taxpayers in this country.

There is an objection that I hear to this study that is proposed by the Senator from Louisiana.

When we get discount tickets, that is not a freebie. It is a marketing calculation. The airlines say you can buy a discount ticket, and we are going to make it up elsewhere, and make it up elsewhere they do. No one is objecting to that. That is their marketing scheme.

I have some objection to the fact that in one case flying down from the New York area costs, at a government rate, $165, and if you fly out of another airport right nearby it is $38. Why? Because one airline has a stranglehold on the traffic at the costlier airport.

I am going to relinquish the floor momentarily.

I want it abundantly clear that this Senator makes no apology for defending the public first before defending the airlines. I hope the public will take note of this debate.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator from Louisiana for working with me. I think we have worked out language that I can live with and which I think basically does what she wants, which is gather information, and then as a policy-making arm of government we could choose how to deal with it and what to do with it.

I will not object to the modification of her amendment. I think it deals with that problem.

I say to the Senator from New Jersey that it is a stormy Thursday and we all want to finish the bill. But my objection is for preserving private property with the sanctity of contracts and free enterprise. If the government could run airlines better we all would be trying to rebuild our airlines based on the Soviet model. It didn't quite work out that way. We had an empirical test in the world, and our approach won.

I am not trying to defend any interest here other than private property and contracting, and simply noting that for some reason on this stormy day all of a sudden everybody wants to run the airlines.

I want to especially thank the Senator from Louisiana. She has been very kind to me. Thank you.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I have a few observations. My friend, the distinguished Senator from Texas, makes a lot of sense a lot of times. I agree with him most of the time. I especially agree with him on this. We certainly don't want the Government running the airlines. We want the airlines to be as responsive as they can be to the public, which is their customer. That is all of us. We have benefited.

As the Senator from Louisiana said in her remarks, we have benefited immensely from the deregulation of the airlines. We want to keep it that way. I want to deregulate just about everything I can think of, or see, or feel, because I think there is a benefit.

The Senator from Texas is absolutely right. There is something in private enterprise and a contract, and we should respect that. We have to respect that. But I hope the airlines are getting the message that we are getting from the public that there is a lot of unrest out there. Maybe it is lack of communication with the public. But if I buy a ticket and if it is a special ticket, I know it is a special ticket. That is a contract. I know that if I don't use it, I guess I will lose it. I certainly can't skip around on it. Maybe that is a communications problem with whoever is purchasing it. But whatever we do, let's not ever have the Government running any business, especially the airlines.

The PRESIDING OFFICER. The Senator from Louisiana

Ms. LANDRIEU. Thank you, Mr. President. I appreciate the willingness of the Senator from Texas to work out the objection but to maintain a strong amendment in addressing the sense of the Senate to look into those issues because if there is a way this can be worked out that benefits the airlines and the passengers, I think we most certainly should be about doing that.

I thank the Senator from New Jersey for his comments because, while we all want to see the deregulation work, I think we can all agree it is not perfect and that we could make some good suggestions as to how to improve it to keep the private contracts between the airlines and to honor the sanctity of those private contracts and private arrangements. This is a very public business, as is all business. There is a private side and there is a public side. That is why we have a public sector that does the job we do and a private sector that does the job they do. When we work together, the public is served in the best way. That is all this amendment attempts to do.

I thank the Senator from Alabama, our distinguished leader on this issue, for helping work this out.

AMENDMENT NO. 1679, AS MODIFED

I submit a modified amendment to the desk. I don't think it will be necessary for the yeas and nays.

The PRESIDING OFFICER. The amendment will be so modifed.

The amendment (No. 1679), as modified, is as follows:

On page 65, line 22, before the period at the end of the line, insert the following '': *Provided*, That it is the sense of the Senate funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1679), as modified, was agreed to.

Mr. SHELBY. 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.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2561

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany the DOD authorization bill, the conference report be considered as having been read. I further ask that there be 2 hours for debate, to be equally divided between Senators WARNER and LEVIN or their designees, and following the conclusion or yielding back of time, the Senate proceed to vote on adoption of the conference report, without any intervening action or debate.

I further ask consent that the Senate consideration of the conference report not be in order prior to 5:30 p.m. on Tuesday, September 21, 1999.

Mr. CHAFEE. Mr. President, if I understand this correctly, what will happen now is there will be a period of 2 hours on DOD?

Mr. SHELBY. That starts Tuesday, September 21.

Mr. CHAFEE. How about on this Transportation legislation?

Mr. SHELBY. We are close to completing that. We are hoping to wind that up in the next few minutes.

Mr. CHAFEE. So we go to third reading.

Mr. SHELBY. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2587

Mr. SHELBY. Mr. President, I further ask unanimous consent that at 9:30 a.m. on Friday, September 17, the Senate proceed to the consideration of the conference report to accompany H.R. 2587, the D.C. appropriations bill, and it be considered as follows: The report be considered as read, and there be 30 minutes of debate equally divided in the usual form.

I further ask consent that following that debate the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed as in morning business for a few minutes, not very long.

Mr. THOMAS. Mr. President, I hope it could be limited to 5 minutes.

Mr. KERRY. Mr. President, it would be just about 5 minutes. If I could have a little leeway, I would appreciate it.

Mr. THOMAS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The time limit is 5 minutes.

The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY and Mr. SARBANES pertaining to the introduction of S. 1594 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KERRY. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. SHELBY. Mr. President, we are trying to get to the end of the Transportation appropriations bill. I think we are close. Maybe we can wind it up in just a few minutes and get a vote. In the meantime, 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. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 1673, 1667, AND 1666, AS MODIFIED

Mr. SHELBY. Mr. President, I ask the Chair to lay before the Senate amendments numbered 1673, 1667, and 1666, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. REID, proposes an amendment numbered 1673.

The Senator from Alabama [Mr. SHELBY], for Mr. THOMAS, for himself and Mr. ENZI, proposes an amendment numbered 1667.

The Senator from Alabama [Mr. SHELBY], for Mr. DURBIN, proposes an amendment numbered 1666, as modified.

The amendments (Nos. 1673, 1667, and 1666, as modified) are as follows:

AMENDMENT NO. 1673

At an appropriate place in the Federal-aid Highways (Limitations on Obligations) (Highway Trust Fund) section insert the following: ''*Provided further*, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 'Widen I–15 in San Bernardino County,' Section 1602 of Public Law 105–178.''

AMENDMENT NO. 1667

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

SEC. . For purposes of Section 5117(b)(5) of the Transportation Equity Act for the 21st Century, the cost sharing provisions of Section 5001(b) of that Act shall not apply.

AMENDMENT NO. 1666, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the need for reimbursement to the Village of Bourbonnais and Kankakee County, Illinois, for crash rescue and cleanup incurred in relation to the March 15, 1999, Amtrak train accident)

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) The National Transportation Safety Board (NTSB) conducted a thorough investigation of the accident and opened the public docket on the matter on September 7, 1999. To date, NTSB has made no conclusions or determinations of probable cause.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities should consistent with applicable laws against any party, including the National Railroad Passenger Corporation (Amtrak), found to be responsible for the accident, be able to recover all necessary costs of rescue and cleanup efforts related to the March 15, 1999, accident.

Mr. SHELBY. Mr. President, these amendments have been cleared by both sides; therefore, I urge their immediate adoption.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1666, 1667, and 1673, as modified), en bloc, were agreed to.