

practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further*, That, for purposes of the preceding proviso, the terms 'unfair or deceptive practices' and 'unfair methods of competition' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication''.

Mr. WYDEN. Mr. President, this amendment I also offer with the bipartisan leadership of the subcommittee, Chairman SHELBY and Senator LAUTENBERG. Again, I express my thanks to both of them. As you could tell from Senator LAUTENBERG's excellent statement, he has strong views on this matter. They go back a long time.

One of the areas I most admire about Senator LAUTENBERG has been his extraordinary work on tobacco control. The fact of the matter is, Senator LAUTENBERG for years led that effort to make air flights healthier in our country. That is just one of the many contributions he has made in public service. We thank him for it.

This amendment as well is supported by the chairman of the subcommittee, Chairman SHELBY, and the ranking minority member, Senator LAUTENBERG. As I have sought to do with respect to overbooking, again this amendment would ensure there were teeth behind this so-called pledge by the airlines to make information about the lowest possible fare available to the consumer. Finding the lowest air fare in America is now one of the great mysteries of Western life.

On any given flight there may be as many different fares as there are passengers on the plane. One of the things that experts in aviation have said for some time is if you want to start a brawl on an air flight, ask the passengers to compare notes with respect to how much they paid for a ticket because there will be remarkable differences, even among people who made the same sort of arrangements to fly.

The purpose of this bipartisan amendment is to make sure, no matter how a customer contacts an airline—at the ticket counter, over the telephone, or at an airline's web site—the customer would get the same information about the lowest fare. Again, the airlines in these voluntary pledges that they have made have a lot of lofty rhetoric about telling the consumer about the lowest fare, but the harsh reality is that it is business as usual. This amendment would hold the air-

lines accountable to their pledge to actually make available to the consumer, in an understandable way, information about the lowest fare available.

The pledge to offer the lowest fare available as it stands now, in the voluntary package from the airline industry, is, again, sort of more hocus-pocus, as far as the consumer is concerned. In effect, what the airlines are now saying is that if a consumer uses the phone to call an airline and asks about a specific flight on a specific date in a specific class, the airline will tell the consumer the lowest fare, as they are already required to do by law. Not only will the airlines not provide the consumer relevant information about lower fares on other flights on the same airline, they will not even tell the consumer about lower fares that are probably on the airline's web page—and for obvious reasons. Once they have you on the phone and they can get you at a higher price, they might not be so interested in letting you know about something else that is available on the web page.

Recently a Delta agent quoted a consumer over the telephone a round trip fare to Portland, my hometown, of \$400, and 5 minutes later the consumer found a price of \$218 for the exact same flight on Delta's web page.

What this amendment stipulates, again, as with the bipartisan effort with respect to overbooking, is that the passenger has a right to know. The public has a right to know. We are not setting up any new Government agencies. We are not calling for some micromanaged, run-from-Washington kind of operation. We are saying the passenger deserves a fair shake with respect to accurate information on the lowest fares that are available.

So this amendment, that I am proud to offer again with the chairman of the subcommittee, Chairman SHELBY, and Senator LAUTENBERG, would stipulate the Department of Transportation could investigate as a deceptive trade practice the failure on the part of an airline to tell the passenger the lowest fare that is available, no matter how the customer contacts the airline. Under the voluntary pledge, again, the airlines are going to be in a position to withhold information about the lowest fares from customers, information that they have, as Senator LAUTENBERG noted in his previous statement, and information that ought to be supplied to the consumer so the consumer can make accurate choices.

All we are talking about in both of these amendments is access to information, full disclosure, the public's right to know. But the failure to do it, the failure to inform the consumer, ought to be treated seriously by this Congress.

These two amendments provide that opportunity to do so by saying the Department of Transportation can investigate as a deceptive trade practice the

failure to inform the public, in this case of the lowest fare available, in the previous case information about overbooking.

I know time is short and there is much to do with respect to this important legislation. I thank Senator SHELBY and Senator LAUTENBERG for their support. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. ROCKEFELLER. I thank the Presiding Officer.

#### CONGESTION AND DELAYS IN AIR TRAFFIC SYSTEM

Mr. ROCKEFELLER. Mr. President, there is a very famous line that we all know from the heroic astronauts of *Apollo 13*. The line is: "Houston, we have a problem."

Today, many of us who have spent the August recess traveling to our home States and various places across the country also realize that we "have a problem" in the air. This problem is not only in Houston, it is in Atlanta, it is in Chicago, it is in Cleveland, it is in Detroit and in nearly every other city across the country.

Over the last month, there have been very troubling reports of unprecedented increases in congestion and delays in our national air traffic system—long hours of delay. I have not heard a speech in this Chamber about this in the last several months. We spent most of yesterday having, I guess, basically a political debate about the Puerto Rican clemency situation, but this is urgent in a very different way because it involves life and death, the national economy, and congestion which is beyond the scope of thinking of many of our fellow citizens.

We are not talking about merely an inconvenience. We are talking about a potential crippling of the national economy and, if ignored, we are talking about extremely serious safety issues.

I happen to be an admirer of FAA Administrator Jane Garvey. I think she is very good, and I think she is tough. She ran an airport in Boston. That is a tough thing to do. I have a lot of confidence and faith in her. She canceled her own summer vacation plans because the crisis was so bad. She stayed

in Washington to work with the controllers and with the airlines on this enormous congestion problem on which I will elaborate in a minute.

Beginning in mid-July, the FAA and the carriers conducted an on-the-spot evaluation of about 33 different facilities across the country in the air traffic control system. That is the one which routes our planes hither and yon; they better be right.

In this evaluation, they came up with a short-term plan for reducing delays and for improving some inconveniences. It is really too soon to say how effective it will be. I am glad they did it, but we cannot draw any final conclusions from it.

Everybody involved with the plan seems to agree that these short-term fixes are nothing more than that—short-term fixes. They are meant to address symptoms of an underlying problem which we in Congress consistently fail to address, which is an air traffic control system that must be modernized—but we will not do it, nor put up the money for it—restructuring within the FAA and other areas in order to meet surging travel demands and remain viable, as they say, into the next century.

Of course, while this serious problem-solving effort was going on at the FAA and its facilities during this summer, we in the Congress, and especially we in the Senate, have largely or virtually—totally, I should say—stood by. We have watched. We have not even commented. We have simply watched or in some cases even looked the other way. Lack of concern? Too complicated? I do not know.

We continue in this same vein that we have approached aviation for more than a year now, ignoring the problem, ignoring the cost, ignoring the solutions, ignoring the complexity, by avoiding the issue and refusing to make the time to debate it in a serious way.

We left for the August recess without even bringing up FAA reauthorization or the airport improvement program reauthorization. That is our most basic aviation responsibility. That is our bottom line. We failed to do it. In fact, we all went home knowing that the airport funding program was going to lapse. And, of course, on August 6 it did.

Some would have you believe that the FAA reauthorization bill is so mired in controversy that we just cannot do it—not a matter of not wanting to do it; we cannot do it. I am here to tell you—and to implore you—that most of the bill is entirely resolved and that the remaining issues require only some healthy debate, a measure of compromise; and if we will only make the time, we can certainly get all of this done and need to this month.

I understand that the majority leader and the Democratic leader have been

working very closely on this matter, on doing just exactly that, having us work on it, finding the time to bring the FAA bill to the floor. It used to be that an FAA bill did not have all that much significance. Actually, that is probably not a true statement. Today it has overwhelming complexity and significance to it.

Senators HOLLINGS, MCCAIN, GORTON, and I are doing our very level best to work out as many of the remaining issues as we possibly can so the bill will go smoothly and quickly on the floor. And we believe that it can, if given a chance.

But the important thing is that we get going, is that we do something, is that we bring it here, is that we discuss it, is that we are educated by it, by some of the facts that surround it because the consequences of inaction are growing very dangerous.

Some facts:

The Air Transport Association reports that air traffic control delays were up 19 percent from January through July of 1999 and 36 percent from May through June of 1999 as compared to the same periods in 1998.

With an average of 1,358 aircraft delayed each day from May through July as a result of something called air traffic control, and an average of 106 passengers per aircraft, the Air Transport Association estimates that 140,000 passengers were delayed in America each day from May through July of this year—140,000 passengers each and every day.

For the first 5 months of 1999, as compared to the same period in 1998—a 1-year difference—delays increased at Detroit 267 percent; at Las Vegas, 168 percent; at Chicago Midway, 158 percent; at Cincinnati, 142 percent; at Dallas/Fort Worth, 131 percent.

ATA reports that 625 million in passenger minutes of passenger delay each year costs the economy over \$4 billion annually and results in passengers being delayed 28,500 hours each day on average—with the numbers going up every month.

And 72 percent of the delays are weather-related, they say—it may be true, it may not be—but that does not mean that the weather is so bad that we cannot avoid gridlock on our part.

We can, and we must, continue to invest money in training and staffing, in paying for advanced automation tools to enable controllers to work around bad weather and minimize disruption to the extent that, in fact, they would be able to if we were willing to fund them and to give them the possibility of doing that. This technology and this capability exists at this instant and should be improved upon for tomorrow.

Before we jump to blame the FAA for all these current problems, I should be very clear that I believe the carriers also share some responsibility, as do we in Congress, again, particularly in the Senate.

FAA reports that traffic increases are greatest in the Northeast. That is not a surprise; that is where a lot of people live. And it appears to be the result of several factors: a stronger economy; the influx of regional jets, which fly at the same altitude but not nearly as fast as the big jets, so it complicates the way planes can be maneuvered; significant deliveries of new aircraft to major carriers that have to keep them flying—they have no economic choice to begin to recoup their investment, even if fewer flights would meet their customers' actual needs—the efforts by a couple of the major airlines to develop low-cost/low-fare operations along the eastern seaboard to compete with Southwest on point-to-point routes; and in some cases excessive airline scheduling.

For example—and I see my good friend, the senior Senator from New Jersey—only 48 arrivals are possible each hour at Newark Airport in very good weather. But for marketing purposes, individual carriers are scheduling 55 to 60 arrivals at Newark Airport during the exact same hours. This happens at hub airports all across the country and effectively guarantees delay no matter what the FAA, no matter what the controllers might want to do.

Allow me to begin to finish with a quote from the latest major study of the system, the broad system, by the National Civil Aviation Review Commission in 1998. The Commission's warning is compelling and has been affirmed by the industry, affirmed by the Department of Transportation, the FAA, the National Transportation Safety Board, and the Gore Commission on Security and Safety, and everybody else who works in or on or with aviation.

Their quote:

[W]ithout prompt action the United States' aviation system is headed for gridlock shortly after the turn of the century. If this gridlock is allowed to happen, it will result in a deterioration of aviation safety, harm the efficiency and growth of our domestic economy, and hurt our position in the global marketplace. Lives [will] be endangered, the profitability and strength of the aviation sector could disappear, and jobs and business opportunities far beyond aviation could be foregone.

So given all of this, I say that we do not just have a problem at Houston but we have a problem all over America.

What more do we need to know before we are inspired to act? Must we wait until the gridlock is upon us? Are we waiting for some catastrophic event? Are we waiting to be shot out of our inertia? That is what we have been doing here in the Senate for some time. And does it have to come to unnecessary deaths? Sometimes that happens in America. People don't pay attention until there is something so horrible that they want action.

That is not what we want to happen in the Senate. We are given the responsibility for aviation policy—our section of it. We have an authorizing and appropriating process. We have not been exercising it. We have been consistently underfunding the most basic aspects of our aviation system. We know it, we will not change it, and we do not talk about it.

We simply cannot continue to sit on our hands, waiting until it is "convenient" to start the debate. We are underinvesting in our system to the tune of at least \$6 billion each year—\$4 billion short on air traffic equipment and technology, an instrument of safety, and \$2 billion short on airport infrastructure and capacity improvements. These are just the funds needed to keep us going at the current, entirely unacceptable rate and not to improve our situation but just to keep us where we are. I trust my words have convinced my colleagues that I do not believe that is sufficient.

So closing this \$6 billion annual funding shortfall doesn't even begin to modernize and do what we need to do in the aviation system. That is a sensitive subject, and \$6 billion is a lot of money. We don't like to talk about spending that, but we will get nowhere in aviation without it.

Without getting too much into some especially contentious differences between the House and Senate aviation bills, let me state the obvious about this apparent funding gap. We all know there is money in the aviation trust fund that could and should be used. There are any number of ways to do it. We could take the trust fund off budget; we could firewall the revenues; we could simply spend more on the discretionary side for critical and growing needs in our aviation infrastructure. The point is that we have to make a commitment to fix and improve this system, and it is going to take money to do it. We cannot avoid that.

So today, I say to colleagues, it is time to talk about the needs of the FAA, time to talk about the needs of the aviation system. We cannot simply go on to conference on a blank bill, and I don't think that is the intention anymore. We can't write the bill in conference. We can't do this without debate or without input from this body. Thankfully, this week I am beginning to feel cautiously optimistic about our ability to work together to get this bill to the floor. Frankly, we owe it to the traveling public and to the tireless air traffic controllers. I don't know how many of you have watched these folks work and looked at the equipment with which they have to work. It is a shocker. In some cases it is stunningly wonderful, and in some cases it is shockingly poor.

At some point, underinvestment in something as important as what will carry a billion passengers in 6 or 7

years—our aviation system—will catch up with us. I fear that day is already upon us. The consequences of continued inaction are terribly real—real for public safety and real for our national economy. So let's go forward and take the work that our majority and minority leaders are now talking about and get to this bill.

I thank the Chair and yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

Mr. SHELBY. Mr. President, I ask unanimous consent that the time on two amendments that have been offered by Senator Wyden relative to airline reporting be limited to 1 hour of total debate, to be equally divided in the usual form. I further ask that votes occur on or in relation to the Wyden amendments in the order in which they were offered, beginning at 11 a.m. on Wednesday, tomorrow, with 2 minutes for explanation between each vote and no additional amendments in order prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, in light of this agreement, there will be no further votes this evening, and the next votes will occur at 11 a.m. Wednesday, tomorrow.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to commend the distinguished Senator from West Virginia for an excellent statement with respect to the air traffic control system. It seems to me what the Senator from West Virginia has pointed out is that our country, to some extent, wants a 21st century air traffic control system and they want to figure out how to do it on a 19th century budget.

The Senator from West Virginia, it seems to me, is saying it is time for all of us in the Congress to, in effect, put our dollars where our mouth is with respect to safety. If you are serious about improving safety, you have to fund this woefully inadequate air traffic control system.

The fact of the matter is, the Senator from West Virginia has spent many years battling to strengthen the air traffic control system, as has the distinguished ranking minority member of the Senate Commerce Committee, Senator HOLLINGS. I think the Senator from West Virginia has given an extremely important address this afternoon in terms of highlighting how critical it is to the safety agenda of the American people. You cannot do what

is needed to improve safety for airline passengers in this country without following the recommendations of the Senator from West Virginia. I wanted him to know that his remarks were heard, and heard clearly, by this junior member of the Commerce Committee.

I will wrap up this afternoon by thanking again Senator SHELBY and Senator LAUTENBERG for their support of the two amendments I am offering that will be voted on in the morning. They are simple, straightforward amendments calling for disclosure with respect to overbooking of airline flights, making sure the passengers can actually know about the lowest fares that are available, whether it is over the telephone or on a web site.

As we wrap up this afternoon, my understanding is that we will have additional time to discuss this on the floor of the Senate tomorrow morning. I am very proud to have the support of the chairman of the subcommittee, Mr. SHELBY, and the ranking minority member, Mr. LAUTENBERG, on the two amendments that will come up tomorrow morning with respect to disclosure. I also thank their staffs and the staffs of the Commerce Committee, who have been working to make it possible, procedurally, for the Senate to consider these in the morning.

With that, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Oregon for his contribution in the form of these amendments. We work together on the Budget Committee, and on other matters. He is always thoughtful on the matters he brings to the Senate.

Before the Senator from West Virginia leaves the room, I want to say to him that one of the things he talked about, sort of indirectly, in terms of getting the FAA up to the point that it should be in order to take care of the volume of traffic we have—we must make air travel more user friendly. You do that by providing an infrastructure that can accommodate the volume of traffic we have. I commend the Senator from West Virginia. He works very hard on matters of aviation. We are grateful to him for his contribution.

I would like to say this. One of the things that kind of pervades the discussion that has gone on here for the last while by the Senator from Oregon and the Senator from West Virginia is that there has to be a change in attitude, in my view.

The airlines have to understand that they have a precious commodity when they have license to offer the services that they do. They are not unlike the doctor who provides excellent service who uses the hospital operating room for his or her work.

We provide airspace—limited airspace. We provide huge investment in