

SENATE—Thursday, September 16, 1999

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. J.C. Williams, Martinez, GA.

PRAYER

The guest Chaplain, Rev. J.C. Williams, Chaplain Corps, U.S. Navy (Retired), offered the following prayer:

Let us bow our heads in prayer.

Almighty God, to whom we must account for all our powers and privileges, grant the Senators and their staffs strength to know and do Your will. Remind us this day that You are our chosen Leader and Lord, God of the way, the truth, and the life, who chose to journey with Abraham and Sarah, Joseph and Mary, and all the heroes and heroines of faith.

Loving God, we humbly pray that You will journey with this Nation and Your servants. Send Your guardian angel to be their guide as they perform their duties on behalf of all people of this great Nation. Preserve and defend these men and women and their families from every assault and insult, visible and invisible.

Dear God, in all the troubled moments, pressures of this day, and needs that are yet unmet, we seek Your presence, comfort, and wisdom. Merciful God, continue to keep the men and women in this sacred Chamber in peace and health; and may they hear You whisper to them, "Well done, well done, well done." Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. LOTT. I thank the Chair.

HURRICANE FLOYD

Mr. LOTT. It is always great to see our distinguished President pro tempore, Senator THURMOND, here and opening the Senate proceedings. We are thankful this morning that his State was spared the kind of devastation it

seemed to be facing just a couple of days ago. It looks as if the hurricane has dropped in power and there has not been the damage and devastation that was expected from the hurricane, although certainly there are people this morning who are very uncomfortable without power and there have been some lives—I believe a couple—lost as a result of accidents.

I am from a hurricane-prone State, Mr. President. I have lived through three major ones, including one last September, so I know how difficult it can be for those who have had to endure this experience. So I don't take bad weather lightly. But we have been watching very closely the path of this hurricane and its strength and where it is headed. I spoke early this morning to the Sergeant at Arms, Mr. Ziglar, and to Senator BARBARA MIKULSKI. Typically, Senator MIKULSKI calls and says, "I am coming, unless you say don't come." I told her to come. We believe that while we are going to have some wind and rain today, the brunt of the hurricane has been diminished and it will go east of this area. So the Senate will go forward.

SCHEDULE

Mr. LOTT. Mr. President, this week we have some legislation we must complete because we do have a Jewish holiday Monday and Tuesday, with the first vote not occurring until next Tuesday at 5:30 p.m. Then we have to do the HUD and Veterans appropriations bill next week, which I am sure will take at least the remainder of that week, 3 days.

So here is what we have to do today and tomorrow if necessary. We will vote at 10:10 on the Treasury-Postal Service appropriations conference report. We hope to be able to stack at that time a second vote on the Transportation appropriations bill now pending before the Senate. Senator SHELBY is here and working on an amendment or amendments we may have to deal with. So we will just have to see how that is going to work out. But we want to complete all amendments and have final passage on the Transportation appropriations bill, and probably we need to have a recorded vote on that so we will not be faced with having to find time for a recorded vote after it comes back from conference.

Then we will probably move to the Defense authorization conference report which was completed by the House just yesterday. The conferees did a great job. This is a good bill, and we need to get that vote established.

We also have pending the District of Columbia conference report. I understand some time may be needed to talk about it and a recorded vote will be required, but we will do that today or tomorrow if that is necessary.

In addition, we are working to clear three judges. One of them may require some time, but we can do that today and tonight or tomorrow.

If the weather does become a concern later on in the day, midafternoon, and it is necessary for us to quit early because of the concern for safety, we will be back at 9:30 Friday to complete this list of items. I would like to be able to say let's take a rain day and go home, but we do not have the time to do that. I do not think it is really necessary. So we will begin immediate consideration of the Transportation appropriations bill, and when the amendments are worked out and a final vote can occur on final passage, we will notify the Members, but we will have a vote at 10:10. We do expect votes throughout the day. We will watch the weather. And we do have the option of being in from 9:30 until noon tomorrow.

I thank the Chair. I yield the floor. I understand we have some morning business requests.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2084 which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Mr. SHELBY. Mr. President, I want to announce to the Senate—a lot of Senators probably kept up with it over the evening's time—we have made considerable progress on the Transportation appropriations bill, and we are at that point in time—Senator LAUTENBERG and I and our staffs have been conferring with the majority leader and Democratic leader—if there is anyone who has an amendment they want to offer, they ought to come down and offer it so we can move on. We are nearly to the point—not quite—where we would like to go to third reading of the bill. So this should serve as a

friendly notice that if you have an amendment, come down and pursue it or call us and let us know if you are going to do something else with it later.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

AMENDMENT NO. 1678

(Purpose: To increase penalties for involuntarily bumping airline passengers)

Mr. LAUTENBERG. Mr. President, I have an amendment that I send to the desk and ask unanimous consent that it be considered in order.

Mr. SHELBY. No objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1678.

Mr. LAUTENBERG. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert:
SEC. . . It is the sense of the Senate that the Secretary should expeditiously amend Title 14, Chapter II, Part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boarding and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

Mr. LAUTENBERG. Mr. President, I offer today a sense-of-the-Senate amendment on an issue that, unfortunately, is becoming more of a problem for American travelers; that is, the experience of passengers with paid reservations being bumped from overbooked plane flights.

Our skies are more crowded than they have ever been. People need to move quickly between different cities to do business and also for a wide variety of personal reasons. As this need has grown, people who fly find themselves increasingly at the mercy of casual airline booking practices. In such cases, airlines do not treat people as they should. These are passengers with paid reservations. They have a right to expect a seat on the flight they book, but too often they discover that having a ticket does not mean much when they get to the gate.

Nothing ruins a business trip, a vacation, or other trip more thoroughly than being bumped from a flight. It is sometimes impossible to make up for the lost hours and the lost opportunity, let's say, to attend the funeral of a

friend or relative. That opportunity is never again presented. There is the frustration of rearranging longstanding business or personal plans or rearranging the connection that one takes from a city a couple hundred miles away from a major hub, and then missing a flight to Europe or to the Far East.

I understand the airlines have a problem. I respect that they would like to find a solution to the problem. They should not have to fly with empty seats without an opportunity to cover their costs. Perhaps a deposit on a flight reservation, or something of that nature, ought to be done. But it sure ought not to be simply at the whim of a gate attendant to decide who is going to fly and who is not.

On a personal note, I had that experience. I had paid for the tickets. I had a reservation number—with two tickets. I got to the airport, and they said: The flight is full. There was about 15 minutes left before departure, and they said: Well, sorry, just too many people showed up.

What happened is they oversold the flight. The airlines should not be able to act as an elitist business. They should have to treat their customers with respect. They are the only legitimate business I know of that deliberately sells a product that they know they can't deliver.

When people attend a sporting event or a concert or the theater, they know when they get there that they are going to have the seat for which they paid. They deserve the same assurance when they fly.

This sense-of-the-Senate amendment should encourage the airlines to act more responsibly, by allowing travelers who are bumped from a flight to receive greater amounts of compensation for the airline's casual action. The amendment calls for the applicable penalties to be doubled from those under current regulation.

The goal is to hold the airlines accountable when they put profits ahead of their friendliness and respect for their customer.

People who travel for business or personal reasons should not miss out on an event they planned because the airlines decided to treat them like baggage and said: Well, we can't take all this baggage.

So I plan to continue to fight to ensure that airlines are accountable to the American public.

I want to acquaint my colleagues with current regulations pertaining to passengers that are bumped involuntarily.

Currently on the books, an airline must first request passengers with paid reservations to voluntarily give up their seats. We know that.

If a passenger is involuntarily bumped and delayed less than an hour, the passenger is not entitled to any

compensation—if you can make the trip within an hour from the scheduled time of departure.

Delays between 1 and 2 hours, the passenger can receive 100 percent of the cost of the remaining ticket to the destination but not more than \$200; delayed more than 2 hours, the passenger can receive 200 percent of the cost of the remaining ticket but not more than \$400.

Other details: Instead of cash, the airline can offer free or reduced air transportation at equal or greater value than the amount of the cash compensation.

So what we are doing is we are saying: A, these rules are not adequately enforced; B, the public is ignorant of what kind of redress they have if they get bumped off a flight and the airlines are not adequately informing them of what they are entitled to; and C, the airlines must act more responsibly, toward the passenger and be more concerned about what is happening with the passenger.

The airlines owe this to the public. They use our national resources. They use the nation's airspace. They use the FAA system. They use our taxpayer investments in airports. They are using public money all over the place. They ought to be more cognizant of what it is the flying public should have in return.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative 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.

Mr. SHELBY. Mr. President, is the pending business the Lautenberg amendment that was just offered?

The PRESIDING OFFICER. The Senator is correct.

Mr. SHELBY. We have examined it, and we have no problem with it.

Mr. LAUTENBERG. I thank the manager.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1678) was agreed to.

Mr. SHELBY. Mr. President, 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.

Mr. SHELBY. 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. 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.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2490, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2490), have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 14, 1999.)

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate, equally divided, with the vote on adoption of the conference report to immediately follow.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I am pleased to bring before the Senate the conference report on H.R. 2490, the Treasury and General Government Appropriations Act, 2000.

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the following staff be accorded floor privileges during the consideration of this conference report: Tammy Perrin, Lula Edwards, Chip Walgren, and Dylan Presman.

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

Mr. CAMPBELL. Mr. President, I urge the Senate to approve this conference report. Because of the budget constraints, we were not able to give everything that everyone wanted, obviously; but that is certainly what compromise is all about. It took us 6 weeks to get this report to conference, by the way.

At the outset, I thank the ranking member of the Treasury Subcommittee, Senator DORGAN, and his staff for all of their valuable assistance and support during that process.

The conference report provides a total of \$28,239,811,000, of which \$13,706,000,000 is discretionary spending. We have provided funding necessary for the Department of the Treasury, the United States Postal Service, the Executive Office of the President, and various independent agencies to move into the new millennium.

Here are some of the highlights of this conference report.

The conference provided \$12.32 million to the Bureau of Alcohol, Tobacco and Firearms to Expand the Youth Crime Gun Interdiction Initiative. This is \$1.12 million more than the requested level, and brings the total funding for this very effective program to \$51.32 million.

The conference also provided \$13 million to ATF for grants to State and local law enforcement to allow participation in the Gang Resistance Education and Training (GREAT) Program. The GREAT Program provides our youth with the tools they need to resist the powerful pull of gangs and has been highly successful as a deterrent to the growth of youth gangs.

The conference report provides funding for the continued operation and growth of the Federal Law Enforcement Training Center. We are still very much committed to the consolidation of training for Federal law enforcement officers at FLETC. After completion of the five-year construction master plan, FLETC will be better able to serve the training demands of most Federal law enforcement agencies.

For the Customs Service, the conference has provided \$4.3 million for pre-hiring polygraph examinations and \$2.5 million for the creation of the Office of Assistant Commissioner for Training to continue integrity efforts begun last year.

The conference has funded the Customs Cyber-Smuggling Center at \$4 million, which is a \$1.6 million increase over last year.

The conference has provided full funding for the Internal Revenue Service to allow them to fulfill the requirements of the Restructuring and Reform Act, to proceed with their much-needed organizational modernization plan, and to continue necessary improvements in customer service. This funding also provides \$6 million for grants to low income taxpayer clinics.

The conference has increased funding for the very critical technology transfer program under the Drug Czar's Office. This \$13.25 million program provides drug interdiction technology to State and local law enforcement. For fiscal year 2000, the funding was increased by more than \$10 million over the administration's request.

The conference has provided \$185 million for the continued operation of the national youth anti-drug media campaign, and \$192 million for the popular and effective high intensity drug trafficking areas (HIDTA) Program. In addition, the conference has included funding for a management review of the Office of National Drug Control Policy (ONDCP) by an independent entity in an effort to strengthen the office's operations and programs.

The conference included a combined total of \$2 million for the model state drug law conferences and the National Drug Court Institute, programs which

assist State and local enforcement in combating the end results of drug addiction and resulting crimes.

Mr. President, again I say that everyone did not get everything, and certainly everybody doesn't agree with every provision of this bill. But I think it is a very worthy conference report, on balance, and I think we brought to the Senate an excellent product. It certainly deserves the support of the entire Senate and signature of the President.

I again thank my friend and co-worker, Senator DORGAN, for his hard work, and also the staff we depended very heavily on this time around, including Pat Raymond, Tammy Perrin, Lula Edwards, of the majority staff, Barbara Retzlaf, who left a couple weeks to go to the Commerce Department, Chip Walgren, and Dylan Presman.

With that, I yield the floor.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. CAMPBELL. Yes, I am glad to yield.

Mr. GRAHAM. I am concerned about how this appropriation fits into the overall caps on Federal expenditures for domestic discretionary programs that were adopted in 1997, and then the more recent recommendations of the Congressional Budget Office, which were the basis of the tax bill we passed earlier this summer. Could the Senator indicate, in this budget, in terms of its total appropriation, consistent with the 1997 Balanced Budget Act and the CBO recommendation of 1999?

Mr. CAMPBELL. Mr. President, first of all, I ask unanimous consent that an additional 5 minutes be added to the 10 minutes for any other debate.

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

Mr. CAMPBELL. Mr. President, I say to the Senator that we did try to stay within our allocation, as you know. We had many more requests than we were capable of dealing with and our allocation was raised by \$100 million. So we did stay within that. We simply could not fit all of the requests in the original amount we were allocated.

Mr. GRAHAM. In relationship to the Congressional Budget Office recommendations of this summer, does the Senator know where this appropriation would be?

Mr. CAMPBELL. To my knowledge, we have a number of bills we still have to complete. I believe by the time we have finished, we will still be within the budget caps. But I have no way of telling before all the other bills are through.

Mr. GRAHAM. Thank you.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, with respect to the question offered by the