

Act. We will be taking it up in a matter of hours. I will speak further on this on the floor today, but I strongly urge my colleagues to vote for this bill.

A number of us worked closely—Republicans and Democrats alike—to craft the final package. I was one of the conferees and signed the conference report—indeed I also signed and supported the earlier report based on the agreement we achieved before the last recess weeks ago. I think that it is a good piece of legislation. I think it should pass. It includes consumer protections and balance that were lacking from the House-passed bill and builds upon the narrower provisions of the Senate-passed bill to include some additional provisions regarding record retention.

Originally, there were some who wanted to pass a digital signature bill almost for the sake of passing one. Fortunately, cooler heads prevailed in both parties but also among the industry. I think most of those in the various industries that will be affected, who want an electronic signature bill, realize they have to have something that would have consumer protection in it. Otherwise, we could see companies that do not have a strong sense of consumer ethics misuse the bill. The public reaction would be such that a subsequent Congress would wipe out all the gains we made.

What has happened now is we have written in good protections. The best companies, those companies that value their reputation and are in for the long haul, will follow these rules without any hesitation. But companies that may think of this as a chance to make profits—sudden profits—from people who are not computer literate, people who are just coming across the digital divide, they will be stopped from preying on the innocent.

I think it is a good piece of legislation, as I said. A number of us, Republicans and Democrats, worked very hard on this. Now we do have a good bill. In the Senate, Chairman MCCAIN and Senator HOLLINGS, Senator HATCH and I and Senator GRAMM and Senator SARBANES all participated in this conference, and from the House, Chairman BLILEY and Congressman DINGELL, worked to put this together. On our side Senator WYDEN made significant contributions, as well.

I urge, when this does come to the Senate floor, that it be passed, I hope unanimously.

Mr. President, I yield the floor and 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. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. DOMENICI and Mr. BINGAMAN pertaining to the introduction of S. 2736 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3430

(Purpose: To provide for an additional payment from the surplus to reduce the public debt)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. VOINOVICH, Mr. GRAMS, and Mr. ENZI, proposes an amendment numbered 3430.

Mr. ALLARD. Mr. President, 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:

On page \_\_\_\_\_, after line \_\_\_\_\_, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$12,200,000,000.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second at this time.

Mr. ALLARD. Mr. President, I renew my request 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. ALLARD. Mr. President, the amendment that was just reported at the desk is an amendment that is cosponsored by myself, Senator VOINOVICH, Senator GRAMS, and Senator ENZI. I do want to take the time to thank them for their willingness to be a part of this very important effort to try to pay down our Nation's debt. We have two debts that are referred to frequently in debate, and I want to talk about each one of them individually. One is the burden of the national debt on America, and, as of June 14, 2000, the total national debt to the penny was \$5,651,368,584,663.04.

If we look at the debt that was owed to the public, there is an equally astounding figure of \$3,499,251,116,128.15.

How does this break down to each citizen's share of the national debt? If you were born today, what kind of debt would you have to face as you grew and paid for your education and started your own business and raised your family? Each citizen born today in America would owe \$20,550 on the national debt; or another way of putting it, \$12,724 on the debt owed to the public.

In 1961, Congress established within the Department of the Treasury the Bureau of the Public Debt, an account for citizens to repay the public debt. Our amendment is an attempt to accomplish just that. What it does, it makes a one-time payment out of the fiscal year 2000 surplus—that is the budget we are operating under right now—to the account. We have a total of about 26.5 billion surplus dollars that have come in this year. We have already obligated about \$14.3 billion in an effort for emergency spending.

This includes some adjustments between spending provisions we did last year where we forwarded some of our spending. We are going to move it back so it is within each fiscal year. It included some emergency spending for Kosovo and some emergency spending for farm programs and a number of other items. That leaves \$12.2 billion on the table. So this amendment says we want to take those \$12.2 billion and move them into the debt repayment account that Americans can pay into now, that we established in 1961.

This holds the Senate accountable for limited emergency supplemental spending consistent with the budget, I might add. I think each of us individually in the Senate, and Members of the House, ought to make a personal commitment to try to enforce provisions of that budget. That was voted on by this body, voted out of the body. If it is going to mean anything, I think Members of the Senate have to make a concerted effort to help enforce the provisions of the budget.

The amendment I have introduced, with the help of some of my colleagues, was scored by CBO as a no-cost intergovernmental transfer. It is well within the budget rules, the rules of the Senate, and it is an important amendment. It is something we need to address. We simply have to get the debt under control. I have introduced legislation in the past that has put forth a plan whereby we try to pay down the debt over 30 years, then, later on, introduced more legislation so we go ahead and pay down the debt over 20 years.

The fact is, we are having unprecedented surpluses coming in to the Government coffers. A lot of it is because of the amount of work and labor that is happening out there. It is due to American initiative that has been propelled by the free enterprise society in which we live. It is unprecedented in the history of this country.

If we do not do something to pay down the debt now, we are going to miss a great opportunity to have a secure, a more prosperous future for the young Americans of today, our future leaders.

I hope we can adopt this amendment as a minor first step in paying down our total debt. We simply should not, as a matter of conscience, continue to increase spending year after year with a total disregard of the total debt that we have accumulated. We simply need to be doing something to pay down our national debt.

This is a small step. It is something that hopefully will begin to get this Senate to understand and this Congress to realize we ought to have a plan of 20 years to pay down the debt. It is accountability on further emergency spending. Emergency spending is not counted in the budget caps and the 302(b) allocations, and too often this spending privilege is abused. Members of the House and Senate try to put programs which they cannot put in the regular budget resolution when this Congress sets its priorities under the emergency spending programs. We need to do what we can to maintain the integrity of that budget resolution because it is the one that puts restraint on spending and puts accountability in the budgeting process.

As I mentioned before, CBO has scored this as a no-cost transfer. It is important, and it is money that is left laying on the table. At this point in time, I really believe there are few choices of what will happen with the \$12.2 billion. It will either go toward debt repayment, or it will be spent. I am concerned it will be spent.

I have introduced this legislation to obligate it towards debt repayment. It is important. I ask my colleagues in the Senate to support us in the effort to pay down the debt, and I ask them to vote aye to support this amendment to pay down the debt. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, my colleague from the State of Colorado did a very good job outlining for us how important it is that we address our national debt. There is a euphoria in America today over the fact that we have a tremendous surplus. Unfortunately, the fact that we have a surplus reminds me of a Dean Martin song that went something like "Money burns a hole in my pocket." Everyone is trying to figure out how to spend this money. No one seems to be making an issue of the fact that today we have a \$5.7 trillion national debt which is costing Americans approximately \$600 million a day in interest.

Most Americans do not understand that 13 cents out of every Federal dollar we spend goes to pay interest. National defense gets 16 cents per dollar. Nondefense discretionary spending is 18

cents per dollar. They do not understand that we are spending more money on interest each year than we spend on Medicare, five times as much on interest as we do for education, and 15 times more than we spend on medical research.

This debt was racked up over a number of years. At a time when our economy is better than it has ever been before, when unemployment is at the lowest we have seen in anyone's memory, we should do like you, Mr. President, would do in your family and I would do in my family, or what a business person would do, and that is, in times of plenty, get rid of debt, get out from under debt.

We have an excellent opportunity to do that. Because of the expanding economy, we have a \$26 billion on-budget surplus in fiscal year 2000. Think of that, \$26 billion. We already allocated \$14 billion of that on-budget surplus when we passed the budget resolution to deal with what I consider to be, for the most part, emergency situations.

In order to guarantee we do not spend the rest of that money, we need to stand up and be counted and pay more than lipservice to reducing our national debt. We need to pass legislation that says the remaining on-budget surplus, this \$12.2 billion, is to be used to pay down the national debt. It is something that all of us should think about as being a moral responsibility.

One of the reasons I came to the Senate, was the fact that I believed we had spent money over the years on many things that, while important, we were unwilling to pay for, or, in the alternative, do without. We had a policy of "let the next guy worry about it"; "let the next generation worry about it."

When I came to the Senate, I had one grandchild. Today, I have two more. Like all other Americans, I think about my grandchildren and about the legacy I want to leave to them. I remember a long time ago, almost 38 years ago, when my wife Janet and I got married. At that time, only 6 cents out of every dollar was going to pay interest on our debt. Think of it. Today it has gone up over 100 percent.

I think about the legacy we are leaving our children, and Congress, during this wonderful time of a great economy, with a low unemployment rate, should take advantage of this opportunity to take our on-budget surplus and pay down our national debt and get this burden off the backs of the young people in our country; off the backs of our children and off the backs of our grandchildren.

The other thing we need to point out to the American people is something we have kept kind of a secret. It is a secret about which nobody is talking; it has been kept quiet, and that secret is we have been spending money like drunken sailors.

In fiscal year 1998, we spent \$555 billion on discretionary spending. That is

before I came to the Senate. In fiscal year 1999 we increased spending to \$575 billion.

In this year's budget, if we spend the entire on-budget surplus, discretionary spending will be \$624 billion. Think about it, \$624 billion, compared to last year's \$575 billion. If my figures are correct, that is an 8.5-percent increase in discretionary spending.

I want to know how many people in this country had an 8.5-percent increase in their paycheck last year. Why is it that the Federal Government is different than most of the families in this Nation? Families should understand, the citizens of this country should understand, if we spend all of this money—and it looks like we could—and if we do not adopt this amendment that we are suggesting be adopted today, we will have increased spending by 8.5 percent.

It is time for this Congress to be willing to make tough decisions. The cynicism that I hear so often is: We need the money to get out of town.

We need to talk about our kids. We need to talk about this national debt. We need to talk about the moral responsibility that we have to America's families.

We are not asking for a lot here today. We are asking that this body stand up and be counted. I hear people every day talking about: Let's do something about the national debt. It is a problem. We should do it.

Reducing the national debt has been a principle of my party. It has been a principle of mine throughout my political career. First of all, don't go into debt. If you are in debt, get rid of it.

Here is a chance to stand up and put our actions where our mouths are, and say, yes, we do believe in reducing the national debt. We are going to take this money, put it aside, and pay down the national debt, and we are going to do it now. We are going to do it now because we know if we do not do it now, the temptation will be to spend every dime of it.

One other thing we ought to remember; and that is, in July CBO will be coming back with some new numbers and the on-budget surplus will be even higher, perhaps maybe \$20 billion, \$25 billion more. The question is, What are we going to do with that on-budget surplus? Are we going to keep that around so we can get out of town?

It is time to make the tough decisions. It is time to stand up and be counted.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I, again, thank my colleague from Ohio, Senator VOINOVICH, for his undying effort and diligent fight to pay down the debt. It is good to have somebody with that kind of persistence and bulldog attitude to be a team player on a very important issue such as

this. I just want to commend him in a public way for his efforts.

I do not see any other Senators on the floor wanting to debate this issue. I yield the floor so the Senator from Oregon can be recognized.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon has the floor.

Mr. ALLARD. Objection.

Mr. President, was there a unanimous consent request?

The PRESIDING OFFICER. The Chair noted the objection of the Senator from Colorado.

The Senator from Oregon still has the floor.

Mr. ALLARD. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the foregoing request is granted.

AMENDMENT NO. 3433

(Purpose: To require the Inspector General of the Department of Transportation to review certain airline customer service practices and to make recommendations for reform)

Mr. WYDEN. Mr. President, I have an amendment at the desk involving the rights of airline passengers in this country.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3433.

Mr. WYDEN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45, line 23, before the period at the end insert the following: “: *Provided*, That the funds made available under this heading shall be used by the Inspector General (1) to continue to review airline customer service practices with respect to providing consumers access to the lowest available airfare, information regarding overbooking, and all other matters with respect to which airlines have entered into voluntary customer service commitments; (2) to undertake an inquiry into whether mergers in the airline industry have caused or may cause customer service to deteriorate and whether legislation should be enacted to require that customer service be a factor in the merger review process for airlines; (3) to review the reasons for increases in flight delays, with specific reference to whether infrastructure issues or procedures utilized by the airline industry and the Federal Aviation Administration are contributing to the delays; (4) to review the airline ticket distribution system, and changes in the system, including the proposed Internet joint venture known as ‘Orbitz’ and the impact such changes may

have on airline competition and consumers; (5) to review whether ‘Orbitz’ would be, or should be, subject to Department of Transportation regulations on airline ticket computer reservation systems; and (6) to report findings and recommendations for reform resulting from these reviews and inquiries to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives by December 31, 2000, and again thereafter when the Inspector General determines it appropriate to reflect the emergence of significant additional findings and recommendations”.

Mr. WYDEN. Mr. President, almost a year ago, this country’s airlines made a grand announcement about a new, although albeit voluntary, commitment to the rights of airline passengers.

I tend to look with a very skeptical eye at any promise to consumers that contains the notion of both “voluntary” and “rights” together in the same sentence.

Now, 1 year later, my conversations with Federal investigators about the work they have done, at the Senate’s request, leaves me to be even more skeptical of what the airlines have promised.

What I have learned from Federal investigators is that there are more questions than answers about the quality of airline customer service, flight delays, and the airline ticket distribution system.

Frankly, as I said a year ago, the evidence indicates that the airlines’ so-called customer first package has proven to be worth little more than the paper it was written on.

In fact, just recently, in the last few months, the Washington Post Business Section had a headline that said: “Airline Service Dips n 3 of 4 Categories.” They went on to describe what can only be categorized as a pretty bumpy operation with respect to guaranteeing the rights of passengers in this country.

I will take just a few minutes to outline what I think the central problems are, and what I have learned from Federal investigators about their work. Then I hope the Senate will support my amendment on a bipartisan basis.

First, after a year of trying to get the airlines to be straight with the American consumer with respect to finding the lowest fare available on a particular flight, I can report that finding the lowest airfare remains one of the great mysteries of our time.

On any given flight, there may be as many different fares paid as there are passengers on the plane. Finding out if the flight you want to take is overbooked is sort of like playing hide and seek. First, you have to know what to ask for. Then you need to know the difference between a flight that is oversold and a flight that is overbooked. Suffice it to say, there seem to be a fair number of people in the industry who can hardly explain that difference.

When I first called for the passage of a real, enforceable passenger bill of rights for airline consumers, I made it very clear to the Senate that I was not talking about establishing a constitutional right to a fluffy pillow on your airplane flight. I was not talking about folks being entitled to a jumbo bag of peanuts. What I was talking about has the public’s right to know, the public’s right to know information about basic services, just as they do in every other area of our economy.

In every other area of the economy, such as when you have a reservation for a particular item or you want to find out about how it is priced, you can get that information. You can get it whether it is on the telephone, at the counter, online, or through a variety of intermediaries. And you are told, in straightforward kinds of terms, the real reasons behind these scheduling arrangements, and prices, and the kind of information that is so relevant to the consumer.

That is not what is happening today in the airline industry, despite the grandiose pledges from folks in the industry.

For example, the annual survey by leading scholars at Wichita State who have been doing these surveys for many years came out in April and found that consumer complaints on air travel in 1999 were up 130 percent over the previous year. That study showed that 7 out of 10 airlines posted lower quality ratings than they did in the previous year.

Earlier this year, the Department of Transportation consumer division reported that the number of complaints they had received was about double that of the previous year. The complaints were up and the ratings were down after the airlines had pledged to the Congress to do better.

Suffice it to say, these professors at Wichita State are not airline industry bashers. These are individuals who, by their own description, take a very conservative orientation to these issues. Yet they found that in virtually every important area of consumer service, there had actually been a deterioration in the quality of service to airline passengers during this period since the airlines’ so-called customer first pledge went into effect.

When the industry’s Air Transport Association reported recently that customer satisfaction was at an all-time high, many of us struggled to find out to whom exactly they were talking. They weren’t talking to the folks I sit next to on an airplane or the people I meet in ticket lines at home in Oregon or around the Pacific Northwest.

I can understand the inclination of the Senate to give the airlines some time to try to make their voluntary program work. I got my head handed to me when we had the vote in the Commerce Committee and it was 19-1 with

respect to airline passenger rights. I respected that. Given the results in the Commerce Committee, I decided we ought to try to do some followup and offered several amendments that were accepted as part of this appropriations bill in the last year. I believed it was important to continue to monitor the situation to see if we would get any improvements since the industry's pledges went into effect.

What we adopted in the last appropriations bill was part of the final law. It was binding, and it gave the Transportation Department inspector general a statutory mandate to look at whether airlines are giving customers access to the lowest fares no matter what technology they used to contact the airline. It is outrageous to know that even today airline passengers can be quoted one price over the telephone and yet a much lower fare is available to them on the Internet and they aren't given that kind of information. The Department of Transportation inspector general was directed in the last appropriations bill to investigate that issue and, in addition, to make sure we monitor this question of the lowest fare.

We directed the inspector general to tell us about overbookings of flights—again, a right-to-know context. I have no problem with an airline selling a ticket to a passenger on a flight that is overbooked, if the consumer is told that the flight is overbooked at the time they are going to make the purchase. It is fairly straightforward; it is informed consent. We have found that has not been done.

The Department of Transportation inspector general is also looking at a new scheme the airlines have cooked up known as T-2. It is our understanding this is a new online pool of airfares where nearly all of the major air carriers will offer their lowest fares but which will not be accessible to those who offer travel services.

In a few weeks, the inspector general of the Department of Transportation is going to issue an interim report on the airlines' customer service commitment plans. What I have heard about this report is that the airlines are coming up short, and seriously so, with respect to following up on the commitments they made to the Congress.

For example, recent weather delays at Chicago's O'Hare Airport resulted in numerous planes being stranded on the runways for periods of 3 hours or more and as long as 8 hours. The Presiding Officer must have heard from some of his constituents on that matter. I happen to have been on the flight that was going from Chicago to Portland where some of those folks had been on the flight that had been stranded in Chicago. They told me all they had received during this extended wait was granola bars and almost no information at all about the options they had.

A recent power failure at National Airport in the Nation's Capital stranded scores of passengers without any accommodations or emergency provisions. Again, we have the consumer complaints pouring into the Department of Transportation at record levels each month of this year, after the airline industry's voluntary pledge went into effect. This notion from the airline industry that they just need more time, give them a little bit more opportunity to make this so-called voluntary program work, is contradicted by what we have seen each month since the so-called voluntary pledges went into effect.

The customer service commitments don't even address one of the most frustrating areas of air travel; that is, the fundamental underlying issue of delays and what the airlines and the FDA will do to combat them.

It is important that we get the Department of Transportation interim report. It is going to offer the American people an unbiased view of exactly how well airlines are treating passengers. It is going to give us an independent assessment of these so-called voluntary passenger commitments.

I believe what this report is going to show is that the pledges the airline industry made are in effect a kind of cosmetic program to try to keep the Senate from enacting real passenger rights that are enforceable and truly protect the American public. I suspect what we will hear from the inspector general will be a blueprint for enforceable concrete legislation that protects the rights of passengers.

What the Senate ought to be doing is keeping the airlines' feet to the fire. That is why I am offering an amendment to this year's Department of Transportation appropriations bill that would instruct the Department of Transportation IG to continue his fact finding and information gathering in key areas that are so important to the public. I am talking about whether these customer service practices amount to anything, getting the public straight information on the lowest available fare, information about overbooking.

Importantly, for the first time the Senate would direct the Department of Transportation IG to look at the question of whether mergers in the airline industry are causing customer service to deteriorate. We ought to be looking at that issue. We ought to be looking at whether legislation should be enacted to require that customer service be a factor in granting an airline merger in this country. We have all heard so much about these airline mergers. We are having a lot of problems with customer service today. We ought to be looking at the ramifications these mergers are having on the quality of airline service in this country.

I am particularly interested in knowing whether the Senate, on a bipartisan

basis, should write a law that would stipulate whether or not customer service ought to be a factor in the merger review process. In addition, this amendment would review the reasons for increases in flight delay. We have had some folks say it is the FAA's fault. We have had other folks say that it is the airline industry's fault. I think the Department of Transportation IG ought to dig into that issue. My amendment also requires a review of the airline ticket distribution system that I mentioned earlier involving T-2. Suffice it to say that there are a number of questions there about whether that is contributing to problems that consumers are having.

The bottom line is, will the Senate keep the airlines' feet to the fire? Are we going to have the Department of Transportation continue in this investigative effort to try to at least put some kind of collective focus by the Senate on how important it is to improve passenger service? We have all heard from constituents, at a time when the airlines are, in many instances, making great profits, about why it is that some of that money can't be devoted to improving passenger service.

I am not going to go through all of the recent news stories but just a few of the headlines. The Washington Post headline is "Airline Service Dips In 3 of 4 Categories." The Los Angeles Times headline is "Air Passengers 'Fed Up' With Poor Service, Survey Finds." They go on to cite the fact that "Consumer complaints against airlines have more than doubled from last year."

In conjunction with the recommendations we are getting from the Department of Transportation's IG and their leading official, who I think does a superlative job in this area, I would like to see the Senate working with the Transportation inspector general to keep the focus on trying to force these airlines to improve the quality of passenger service to the people of this country.

I have just been informed by the staff that Chairman MCCAIN and Senator HOLLINGS and Senator ROCKEFELLER would be willing to join me today in committing to send a letter asking the Department of Transportation inspector general to investigate and report to the committee on the issues that are the subject of my amendment. So that the record is clear, Chairman MCCAIN, Senator HOLLINGS, and Senator ROCKEFELLER—and they are all the leaders of the Senate Commerce Committee and spend many hours looking into these issues—have all asked that they join me in a letter to the Department of Transportation inspector general inquiring into the issues that are the subject of my amendment.

The fact that we are getting the bipartisan leadership of our committee behind this effort is very important. It

is certainly important to me because all of them have great expertise regarding this issue. My inclination, frankly, is to have a vote on this amendment on the floor of the Senate to send the strongest possible message. But I note that Senator ROCKEFELLER cannot be present today. He has done extremely good and important work on a whole host of aviation issues, including the air traffic control system. As a member of the Commerce Committee and the Aviation Subcommittee, which has jurisdiction over these issues, I am going to agree this afternoon, on the basis of the fact that we will now have a bipartisan letter sent to the inspector general by the bipartisan leadership of the Commerce Committee directing that the IG look into all of the issues outlined in my amendment, to withdraw my amendment.

But I want to make it clear to people in the airline industry and the passengers that are so frustrated by these delays that this fight is going to continue. It is not being dropped. In fact, we are expanding it. As I mentioned, we are going to look, for the first time in recent years, at the ramifications of mergers on customer service. I happen to believe very strongly that mergers and customer service are inextricably linked. I think we ought to change the law and stipulate that one of the criteria on whether or not an airline merger ought to go forward is customer service.

AMENDMENT NO. 3433, WITHDRAWN

I note the absence of Senator ROCKEFELLER, who believes strongly in this. Chairman MCCAIN and the ranking Democrat, Senator HOLLINGS, have both done very important work on aviation issues. They have pledged to join with me in directing the Department of Transportation inspector general to investigate these issues. In view of that announcement that is being made today, and in view of the bipartisan support for the Department of Transportation looking into these issues, I ask unanimous consent to withdraw my amendment this afternoon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 11, 2000]

AIR PASSENGERS "FED UP" WITH POOR SERVICE, SURVEY FINDS

(By Randolph E. Schmid)

WASHINGTON.—U.S. airlines spent a lot of time last year promising things would get better for their customers, but a new study suggests just the opposite occurred: Consumer complaints more than doubled.

"You can see that consumers are just fed up, fed up with poor service," Brent Bowen

of the University of Nebraska at Omaha said in announcing the survey results Monday.

Consumer complaints were up 130% from 1998 to 1999, said Dean Headley of Wichita State University. They rose from 1.08 complaints per 100,000 passengers in 1998 to 2.48 per 100,000 last year.

Headley noted that improved Internet access made it easier to file complaints, but said that could not account for such a large increase.

The annual report, based on data collected by the Transportation Department, scores the air carriers on on-time performance, baggage handling, consumer complaints and denied boardings.

It found an overall decline in airline quality last year, with only baggage handling showing a slight improvement.

The airlines instituted a consumer bill of rights in December, after a year of pressure from Congress to improve service. A report to Congress by the Transportation Department's inspector general on how they are doing is scheduled for June.

Sen. Ron Wyden (D-Ore.), who pressed for legislation last year, said that if the upcoming report "shows anything resembling what this study shows, I think we can get a real passenger bill of rights through Congress."

"The report demonstrates that the airlines are not following through on the voluntary program," he said. "They, of course, claim that it's early and they have just begun it . . . but this is an industry that again and again finds reasons to give passenger service short shrift."

Diana Cronan of the Air Transport Assn., which represents the major airlines, noted that the airlines' voluntary "customer first" plan was not put into effect until the end of the year.

"We really would like to see the results next year when the plan has been in place for a full year. We really do believe that things will be better," she said.

Southwest Airlines ranked best overall, as it did in 1997. In 1998, the top spot went to USAirways, which fell to No. 6 in the new report.

This year, Continental finished second, followed by Delta, Northwest and Alaska Airlines. American was No. 7, followed by America West, TWA and United.

The report's only good news involved baggage handling. The study found that the industry mishandled 5.08 bags per 1,000 passengers in 1999, down from 5.16 per 1,000 a year earlier.

On the other hand, there was a drop in the portion of flights that arrived within 15 minutes of schedule. On-time performance slipped from 77.2% to 76.1% and denied boardings was virtually stable, edging from 0.87 per 10,000 passengers to 0.88.

The study was particularly critical of airlines for instituting what they called a series of anti-consumer rules designed to increase productivity.

These include tighter limits on carry-on bags, bans on carry-on food, not allowing a consumer to take an earlier connection when a seat is available and raising fees to change tickets.

"Soon, consumers will become driven by price and schedule only and regard airline loyalty as having no tangible value," the author concluded.

The Transportation Department, which independently reports on airline performance, found similar problems through February.

Consumers registered 1,999 complaints about the 10 largest carriers in February,

slightly down from January but nearly double a year earlier.

It found that 74.8% of flights arrived on time in February—also slightly better than in January but not as good as 78.9% in February 1999.

The airlines had a mishandled baggage rate of 4.81 reports per 1,000 passengers in February, an improvement from a year earlier.

Headley acknowledged the new passenger bill of rights instituted by airlines late last year and allowed that change does take time. But, he argued, the steps promised by the airlines were things they should have been doing already.

The carriers pledged to be more forthright with passengers all the way through their travel experience. They promised to volunteer the lowest air fares or cheaper travel options when people call for reservations and to give passengers at least 24 hours to cancel ticket purchases.

They also said they would update passengers at 15- to 20-minute intervals when there are delays.

AIRLINE COMPLAINTS SOAR

Airline quality declined in 1999 despite efforts by the carriers to improve service. The 10 major U.S. airlines carried nearly 500 million domestic airline passengers in 1999. The volume of consumer complaints rose 130% over 1998. Although improved reporting may account for some of the increase, it does not account for all of it. How the major airlines fared in four categories; best performers<sup>1</sup> are:

Airline	Percentage of on-time arrivals	Bumped per 10,000 passengers	Mishandled baggage per 1,000 passengers	Complaints per 100,000 passengers
Overall .....	76.1	0.88	5.08	2.48
Alaska .....	71.0	0.91	5.75	1.64
America West .....	69.5	1.39	4.52	3.73
American .....	73.5	0.43	5.21	3.50
Continental .....	76.6	0.34	4.42	2.62
Delta .....	78.0	1.53	4.39	1.82
Northwest .....	79.9	1.18	4.81	2.93
Southwest .....	80.0	1.38	4.22	1.04
TWA .....	180.9	0.73	5.38	3.45
United .....	74.4	0.90	7.01	2.66
US Airways .....	71.4	0.52	5.08	3.15

<sup>1</sup> Best performers. Sources: Airline Quality Rating 2000; Associated Press. Researched by NONA YATES/Los Angeles Times.

[From the Washington Post, Apr. 11, 2000]

AIRLINE SERVICE DIPS IN 3 OF 4 CATEGORIES

(By Frank Swoboda)

Just when you thought air travel was bound to get better, it got worse.

A year after the nation's 10 major airlines promised to begin improving service in the face of mounting congressional threats to enact a series of passenger protections, a survey released yesterday shows that service in 1999 deteriorated in almost every category.

Arlington-based US Airways plunged from first in 1998 to sixth last year, showing poor performance in all service categories surveyed.

"We've acknowledged the issues. The numbers speak for themselves," said US Airways spokesman Richard Weintraub. He said government statistics since the start of the year indicate that the airline is now headed back into the "top tier" of airline service.

The survey—the Airline Quality Rating—is the 10th annual report by two university professors who track the level of service through government statistics gathered by the Department of Transportation.

The findings were based on an airline's on-time performance, baggage handling, consumer complaints and involuntarily denied

boardings, such as when an airline overbooks a flight and forces some passengers to be denied seats for which they had already paid. The only improvement shown by the survey was a slight drop in complaints about baggage handling.

The survey tracked the statistics for 10 major airlines using the Department of Transportation's definition of "major." The airlines, rated from best to worst, were: Southwest, Continental, Delta, Northwest, Alaska, US Airways, American, American West, TWA and United.

"We try to base this on pure performance, something the airline has some control over," said Dean Headley of Wichita State University and a coauthor of the survey with Brent Bowen, director of the Aviation Institute at the University of Nebraska in Omaha.

Headley said he was not surprised by the survey results, but that he was frustrated by the rise in complaints against the airlines, especially after they had all promised to improve service. He said the Internet has made it easier for people to complain but could not account for such a large increase in the number of complaints—up 130 percent between 1998 and 1999.

In December, after nearly a year of promising to improve service in the face of rising consumer complaints and congressional threats, the airlines adopted what they called a consumer bill of rights in an effort to head off threatened government intervention on behalf of passengers. That threat began in January 1999, when Northwest stranded a planeload of passengers on a snowy Detroit runway for nearly eight hours.

Nebraska's Bowen said the report's conclusion that overall industry quality continues to decline indicates that "the entire airline-sponsored plan to increase customer services is failing."

A spokeswoman for the Air Transport Association, the trade group that represents the airlines, said the voluntary bill of rights initiated by the airlines has only been in effect a few months. She said the airlines' new policy should be in place a full year before people judge whether service has improved.

The transportation department's inspector general is scheduled to issue a report to Congress in June on just how well the airlines are doing. A negative report from DOT in an election year is almost certain to rekindle calls for congressional action.

Sen. Ron Wyden (D-Ore.), an advocate of legislation to force better service from the airlines, said that if the inspector general's report mirrors the conclusions of yesterday's study, "it really strengthens my hand." Wyden said yesterday's survey "was a credible report because these fellows have been doing it a long time and they are not normally industry bashers."

Last year, Wyden proposed a bill that would force the airlines to tell customers when a flight was overbooked and to give them information on all available fares on a specific flight. The bill would also allow passengers to get a refund if they canceled a ticket at least 48 hours before a flight.

Headley and Bowen concluded that unless airlines improve service, consumers will lose loyalty to individual carriers and "become driven by price and schedule only."

But Headley said that despite his concerns about deteriorating air service, he did not think setting industry service standards was the answer. "I'm a big fan of not regulating if we can avoid it," he said.

Mr. ALLARD. Mr. President, I ask unanimous consent that the vote in re-

lation to the Allard amendment be stacked to occur first in any sequence of votes that are scheduled relative to the Transportation appropriations bill. Further, I ask that no amendments be in order to the amendment prior to the vote.

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

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

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

#### UNANIMOUS CONSENT AGREEMENT—E-SIGNATURES CONFERENCE REPORT

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate considers the e-signatures conference report, the conference report be considered as having been read and it be considered under the following agreement:

Three hours to be equally divided between the chairman and ranking minority member of the Commerce Committee, or their designees, with 20 minutes each for Senators LEAHY, SARBANES, and WYDEN.

I further ask consent that following the use or yielding back of time, the conference report be laid aside and the vote occur at 9:30 a.m. on Friday on the adoption of the conference report. I further ask consent that immediately following that vote the Senate proceed to executive session for the consideration of the following nominations reported by the Judiciary Committee:

Laura Swain, U.S. District Judge for Southern District of New York; Beverly Martin, U.S. District Judge for Northern District of Georgia; Jay Garcia-Gregory, U.S. District Judge for District of Puerto Rico.

I further ask that the nominations then be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

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

#### MAGNA CARTA

Mr. BYRD. Mr. President, today is a very special anniversary. One will not find it noted on most calendars. Although it lacks the familiarity of the anniversary of the writing of the Constitution, for example, it is a day well worth remembering. The 15th day of this month deserves our attention for one very fundamental reason which is quite important to this Republic and to those of us in this Chamber. It marks the birth of the idea that ours is a government of laws and not of men, and that no man, no man is above the law.

Seven hundred and eighty-five years ago, on June 15, 1215, English barons met on the plains of Runnymede, on the Thames River near Windsor Castle, to present a list of demands to their king. King John had recently engaged in a series of costly and disastrous military adventures against France. These operations had drained the royal treasury and forced King John to receive the barons' list of demands. These demands—known as the Articles of the Barons—were intended as a restatement of ancient baronial liberties, as a limitation on the king's power to raise funds, and as a reassertion of the principle of due process under law, at that time referred to in these words, "law of the land." Under great pressure, King John accepted the barons' demands on June 15 and set his royal seal to their set of stipulations. Four days later, the king and barons agreed on a formal version of that document. It is that version that we know today as Magna Carta. Thirteen copies were made and distributed to every English county to be read to all freemen. Four of those copies survive today.

Several of this ancient document's sixty-three clauses are of towering importance to our system of government. The thirty-ninth clause, evident in the U.S. Constitution's Fifth and Fourteenth amendments, underscores the vital importance of the rule of law and due process of law. It reads "No freeman shall be captured or imprisoned . . . except by lawful judgment of his peers or by the law of the land."

Beginning with Henry III, the nine-year-old who succeeded King John in 1216, English kings reaffirmed Magna Carta many times, and in 1297 under Edward I it became a fundamental part of English law in the confirmation of the charters. (An original of the 1297 edition is on indefinite loan from the Perot Foundation and is displayed in the rotunda of the National Archives.) In 1368, that would have been under the reign of Edward III, a statute of Edward III established the supremacy of Magna Carta by requiring that it "be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be holden for none."

In the early 1600s, the jurist and parliamentary leader Sir Edward Coke interpreted Magna Carta as an instrument of human liberty, and in doing so,