

years. He is partially right in saying if we have an emergency supplemental that it would come from the surplus, which is basically Social Security. Any tax break that is given comes from Social Security. I think whatever we might believe about the President, if a bill that goes to his desk that takes part of the Social Security trust fund money and spends it for a tax break or anything else that he will veto it, because the economic situation of this country is still an amazement to the rest of the world, how we have put our economy and our economic position in place.

What is an emergency? I think the rules are basically something similar to this. I don't have it before me to read. But it is something that doesn't come all the time, it is unexpected. The Senator from New Hampshire says you can expect a drought, or you can expect too much water, or you can expect all these things, so you should fund for it. I have gone through years when we didn't have an emergency in the farm community. I have gone through years when we did not have an emergency appropriations. So, therefore, you didn't need to budget it.

Secondly, the emergency is something that occurs and is not in perpetuity. The tax cut goes on; it doesn't stop. If you have an emergency now, you try to take care of that emergency; if it doesn't occur again, you don't have to do it again. If you give a tax break, that goes on forever, in perpetuity. So there is a difference between a tax cut and an emergency supplemental appropriations. It isn't something that reoccurs; you do it one time.

As we look at the Freedom to Farm bill that was heralded as the savior for the farm program, we see now that it really doesn't work; there is no safety net for the farmers. There is a crisis in the Midwest. The farmers who raise the grain have had a lot of trouble, and it is not necessarily no rain, a drought, and so forth, but prices. The North American Free Trade Agreement, which only seven of us in the Senate voted against at the time, has now come back to bite us. When you find farmers standing at the border between the United States and Canada preventing those 18 wheelers from coming in, it is somewhat understandable that we should be concerned about it.

I hope we can sit down and work out whatever moneys are necessary as it relates to an emergency supplemental, particularly for our farmers and particularly in defense.

I did not want the Senator from New Hampshire to get up and say all these things as fact without having a little bit of the other side from whom some people refer to as a moderate Senator from Kentucky. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Arizona.

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

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I say to my friend from Kentucky, I believe we now have an agreement on the managers' amendment.

AMENDMENT NO. 3618

(Purpose: To make minor additions and corrections to the reported bill)

Mr. MCCAIN. Mr. President, I send the managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. FORD, proposes an amendment numbered 3618.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MCCAIN. Mr. President, I ask unanimous consent that the amendment be considered as part of original text for purpose of amendment.

The PRESIDING OFFICER. Is the body ready to vote on the amendment?

Mr. MCCAIN. Mr. President, I ask unanimous consent that the amendment be considered as part of the original text for the purpose of amendment. This is a substitute amendment.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment and inclusion as part of the original text?

Mr. FORD. Reserving the right to object, let's be sure we have the parliamentary procedure correct. This is a managers' amendment that is a part of the original bill as filed subject to amendment.

Mr. MCCAIN. Subject to amendment.

The PRESIDING OFFICER. It will be considered as part of the original text for the purpose of amendment and will be subject to amendment.

Mr. FORD. I wanted to be sure. There is not any hanky-panky going on here, I know that. Every once in a while, we find we have to make a unanimous consent request to get us out of a parliamentary problem.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment? Without objection, the amendment is agreed to.

The amendment (No. 3618) was agreed to.

Mr. MCCAIN. Mr. President, now I ask that my colleagues, again, who are interested in this bill—we have a little less than 2 hours remaining—who wish to debate this bill, who wish to discuss it, who wish to amend it, please come to the floor and do so. The Senator from Kentucky and I intend, again, to achieve a final list of amendments for tomorrow. We have every intention of

completing this bill by tomorrow evening.

I want to put my colleagues on notice. We have been working on this bill for a long, long time. If there are not Members who come to the floor to propose their amendments, then I will move to go to third reading of the bill, because there is no point in us going all the way tomorrow and into Friday and not having completed this legislation. I repeat, it must pass.

I have heard personally from a number of Members who have strongly held views on this legislation, particularly the Senators from Maryland and Virginia. I will point out, Mr. President, that one of the Senators from Virginia, Senator WARNER, has had a tragedy in his family, which is why he is not here to debate the bill at this time.

I, again, urge my colleagues to come to the floor in the next couple of hours to either propose amendments or debate the bill.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I would like to preface my comments by commending the floor leaders, my good friends, Senator MCCAIN and Senator FORD, for the leadership they have provided in getting this piece of legislation through the committee and on to the floor. I am not unmindful of the fact there are some points of contention, but both of them have provided the kind of leadership and experience and real statesmanship we have come to expect from both of these two leaders. And I, for one, want to praise them for their leadership.

I want to talk about one of those points that has become historically somewhat vexing when we deal with an FAA piece of legislation, and that is the so-called perimeter rule. The perimeter rule is extremely important to my State, Nevada, and particularly the expanding markets in southern Nevada. Within the next year, 20,000 new hotel rooms will come on line. It will be critically important to have additional air capacity going into southern Nevada in order that those new hotel rooms can be filled. The Metropolitan Las Vegas area will have in excess of 120,000 hotel rooms within the next 18 months.

I know of no place in the world that has that concentration of hotel rooms. It is no secret that the mainspring of the economy in southern Nevada, as well as the entire State, has been for decades tourism. And because of the relative remoteness and isolation of southern Nevada, air transport is a critical factor for our continued economic viability and the expansion that we have enjoyed over the years.

I was able, with the support of the distinguished chairman of the committee, the senior Senator from Arizona, to convene a hearing in Las Vegas earlier this spring, because one of the challenges that we face in providing

additional air service to southern Nevada are some economic changes that are occurring in the airline industry itself.

During the time in which the economy was relatively soft and business travel was not particularly robust, it was much easier for us in southern Nevada to get the kind of air service and the number of flights that we needed. As a result of the expanding economy and business travel expanding quite rapidly, the airlines have reached an economic judgment which, although hard to quarrel with, nevertheless has had some profound implications for us in Las Vegas. And that is to say that business travel, as opposed to recreation travel, generates more revenue per seat mile than does resort, tourist destination travel.

So the airlines, to some extent, have shifted some of their capacity to the more profitable business routes. That change poses some real challenges to us in trying to fill those hotel rooms, I mentioned earlier in my comments, that are coming on line. That would be the largest influx of new hotel rooms in the history of Las Vegas for any given period of time. So as part of this hearing that we held in Las Vegas, we looked at a number of factors that might help to alleviate that problem.

One area in which we desperately need expanded air service is from longer distance destinations, from the east coast. And one of the things that was pointed out as part of the barrier to that new service is that there are some artificial barriers that are created either by act of Congress or by policy, and to the extent that we can remove those barriers, it will be easier for us to get expanded air service.

One of those barriers that was created by an act of Congress is the perimeter rule, established in 1986 as part of Federal legislation. That was part of the Metropolitan Washington Airport Act.

Some history of the perimeter rule. In its initial origin, there may have been some justification for it. At the time, there was considerable concern that Dulles would not attract the kind of airline service needed to fully utilize that facility if, indeed, longer distance flights could originate out of Washington National or could come to Washington National.

So this perimeter rule—which has kind of taken on a life of its own and has been exalted almost to divine status, something that is so sacrosanct that we should never touch it under any circumstances—is in point of fact an act of Congress' creation, and it is not inappropriate for the Congress to revisit that rule.

The General Accounting Office, in examining airline competition, bolsters the argument that was made at our hearing in Las Vegas when it describes the perimeter rule as "a barrier to entry service." It points out that the rules limit the ability of airlines based in the West to compete because those

airlines are not allowed to serve—LaGuardia is another airport which has a perimeter rule, as well as National Airport—from the markets where they are strongest. By contrast, because of their proximity to LaGuardia and National, each of the seven largest established carriers is able to serve those airports from its principal hub. So there is an invidious discrimination in the very existence of these perimeter rules.

This report, as well as others, has suggested to the Congress that we grant authority to allow exemptions to the perimeter rule. I believe that is a sound recommendation and one that has been carefully crafted by my colleagues and friends who provide the leadership for us in the Commerce Committee, because a compromise has indeed been offered.

Let me add an additional basis, it seems to me, for that compromise to occur. Not only does this invidious discrimination make it very difficult for new entrants to come into the market, but the original justification for the rule in 1986—if it ever had any validity, if one assumes *arguendo* that it may have been well founded at the time of its enactment—no longer exists.

You will recall that the original or ostensible justification was to make sure that Dulles as an airport had plenty of activity and airline service, and therefore this artificial creation of the perimeter rule was designed to make sure that the longer distance flights emanated from Dulles. Having been to Dulles many times in the last month, none would argue that this airport is underutilized. It is a robust, healthy air terminal, and all of us are pleased for that.

On two bases, it seems to me, the argument can be made: No. 1, that the original rationale and predicate of the perimeter rule no longer has any operative merit; and No. 2, the competitive aspect in the discrimination which I have alluded to in citing from the airline competition, "The Barriers to Entering Into Domestic Markets," published by the General Accounting Office.

I think for that reason the provisions that have been crafted into this piece of legislation dealing with additional slots at National, particularly those 12 which will be allowed to fly outside the perimeter, represent sound policy and a reasonable compromise.

Again, I commend the chairman of the committee, Senator MCCAIN, and the ranking member of the subcommittee, Senator FORD, for their leadership. I hope we can get this enacted. I salute them for their leadership.

I yield the floor.

Mr. MCCAIN. Mr. President, I thank the Senator from Nevada not only on this issue but for his continued activity as a valued member of the Commerce Committee on all aviation issues. He is knowledgeable. He is given to bipartisan cooperation. I appreciate

very much the opportunity to work with him not only on aviation issues but a variety of other issues, including the sport of boxing.

As I mentioned earlier in my remarks, there is a list that I had included in the RECORD about a week ago of all the different formula funds, entitlement State allocations, totaling \$2.1 billion, that would be delayed at this time. In the case of the State of Washington, the amount would be \$7,410,694, to randomly pick a State; for the State of Kentucky, it is \$4,932,788.

Mr. FORD. What airports do they go to?

Mr. MCCAIN. I do not know exactly which airports they go to, although there are some letters of intent that I had printed in the RECORD. One is the Greater Cincinnati airport, \$6 million; and Louisville, \$18.243 million. These are letters of intent following fiscal year 1999 grant allocations that are already in preparation.

Texas: I see the New Austin at Bergstrom, \$11.43 million; Dallas/Ft. Worth International, \$12.5 million. Washington: Seattle-Tacoma, known as SeaTac Airport, \$4,400,000.

Mr. President, I ask unanimous consent this list be printed in the RECORD.

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

LETTERS OF INTENT

Current letters of intent assume the following fiscal year 1999 grant allocations:

Arkansas: Fayetteville (northwest Arkansas)	\$5,000,000
Colorado: Denver International	24,931,000
Georgia: Hartsfield Atlanta International	7,083,000
Illinois: Mid-America, Belleville reliever	14,000,000
Chicago Midway	3,000,000
Kentucky: Greater Cincinnati	6,000,000
Louisville	18,243,000
Michigan: Detroit Metropolitan	16,400,000
Mississippi: Golden Triangle	300,000
Nevada: Reno/Tahoe International	6,500,000
New York: Buffalo International	1,700,000
Rhode Island: Theodore F. Green State	6,500,000
South Carolina: Hilton Head	558,000
Florence Regional	94,000
Tennessee: Nashville International ..	555,000
Memphis International ..	18,733,000
Texas: New Austin at Bergstrom Dalls/Ft. Worth International	11,430,000
Midland	1,327,000
Virginia: Reagan Washington National	14,232,000
Washington: Seattle-Tacoma International	4,400,000
Total	173,486,000

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 86)

In addition, there is \$500,000,000 in discretionary funds available for assignment by

the FAA after the authorization and appropriations process has been completed.

AIRPORT IMPROVEMENT PROGRAM FORMULA
DISTRIBUTIONS

[Estimated FY98 entitlement and State allocations, Total formula funds at \$2.1 billion]¹

Alabama	\$5,823,950
Alaska	31,277,460
Arizona	8,759,576
Arkansas	4,577,601
California	31,086,667
Colorado	7,958,160
Connecticut	2,809,935
Delaware	635,295
District of Columbia	468,506
Florida	13,064,255
Georgia	8,040,687
Hawaii	1,186,786
Idaho	5,134,047
Illinois	11,777,613
Indiana	6,148,104
Iowa	5,065,177
Kansas	6,193,550
Kentucky	4,932,788
Louisiana	5,778,788
Maine	2,734,919
Maryland	4,298,977
Massachusetts	5,091,338
Michigan	12,190,141
Minnesota	7,873,545
Mississippi	4,490,016
Missouri	7,558,689
Montana	8,289,328
Nebraska	5,247,768
Nevada	6,692,991
New Hampshire	1,334,174
New Jersey	6,348,164
New Mexico	7,508,916
New York	16,573,616
North Carolina	7,827,567
North Dakota	4,180,687
Ohio	10,647,533
Oklahoma	6,061,992
Oregon	7,247,957
Pennsylvania	11,505,588
Puerto Rico	2,632,148
Rhode Island	832,693
South Carolina	4,302,524
South Dakota	4,559,359
Tennessee	5,936,395
Texas	26,942,447
Utah	5,752,302
Vermont	933,033
Virginia	6,947,024
Washington	7,410,694
West Virginia	2,638,950
Wisconsin	7,204,305
Wyoming	5,421,196
Insular areas	2,564,100
Total	388,500,000

¹The list includes airport entitlement funds and State funds that would be foregone in fiscal year 1999, assuming the Senate AIP appropriations level of 2.1 billion dollars. These figures don't include discretionary grants & LOI payments.

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 80-1).

(Note: This does not include funds allocated to states for general aviation, relieve, and non-primary commercial service airports, nor does it include nearly half a billion dollars in discretionary grants the FAA will allocate in FY99.)

Mr. MCCAIN. Mr. President, I will be prepared shortly, perhaps in half an hour, to propound a unanimous consent agreement on amendments. Again, I urge my colleagues to have their amendments. I repeat our determination to have completed legislative action on this legislation by the close of business tomorrow night.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I may be recognized to speak as in morning business.

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

THE BLOODSHED IN KOSOVO

Mrs. FEINSTEIN. Mr. President, I note that both Senator McCain and Senator Smith came to the floor to present their thoughts on Kosovo. I would really like to join them and second their remarks.

Mr. President, it is estimated that at least 250,000 Kosovar Albanians have been displaced by the violence and bloodshed of the past several months, and that many are currently living in the forests, without access to adequate food, shelter or medical care. With winter soon approaching, we are on the verge of a major humanitarian catastrophe in Kosovo, which is the direct result of a cruel and intentional policy directed by President Milosevic and carried out by Serbian security forces in Kosovo.

The time has come—indeed, it is my belief that the time came long ago—for the United States, our NATO allies, and the entire international community, to back with resolve that what happened in Bosnia must not be allowed to happen again in Kosovo. For too long, we have stood by passively while Milosevic has acted in bad faith. He has made numerous commitments to halt the violence, such as that contained in his joint statement with President Yeltsin on June 16, and he has honored none of them.

In July, the Senate unanimously passed a bipartisan resolution which called on the United Nations War Crimes Tribunal to indict President Milosevic for his crimes in Bosnia. That resolution has not yet been carried out. In my mind, the time has come for the United States to call an end to the charade of taking at face value the word of a man the U.S. Senate believes should be indicted as a war criminal.

If thousands, or tens of thousands, of people in Kosovo now die because they have been systematically forced from their homes, forced into the forests, denied access to food, warmth, shelter and medical care, it is a crime worthy of the world's condemnation.

With winter imminent in the Balkans, the U.N. Security Council is prepared to vote on a resolution threatening force under article 7 of the U.N. Charter unless Milosevic calls a cease-fire and negotiates with Kosovo's Albanian separatists.

At the end of this week, Secretary Cohen will be meeting with other

NATO defense ministers. According to press reports, the Clinton administration has already asked the North Atlantic Council to seek commitments of arms, material and troops from NATO members to complete plans for a multinational force.

I hope and trust that this means that a plan of action to halt the violence and bloodshed in Kosovo—a plan with clear benchmarks for success and a clear exit strategy—will be at the top of the NATO defense minister's agenda.

I trust that Secretary Cohen will take a strong leadership position at this meeting, and that Secretary Albright is taking an equal stand on this issue in discussions with her counterparts. Although I wish it were not the case, we have seen all too often that when Washington hesitates, our Europe allies become paralyzed.

And, lastly, I hope and trust that this time NATO, acting in coordination with the United Nations, will develop a plan consistent with this pressing humanitarian need, which will be quickly implemented, and not just talked about.

Mr. President, it took us 4 years to develop the courage to join and urge NATO to intervene in Bosnia at the cost of 200,000 dead and 2 million displaced. Hundreds, if not thousands have already been killed in Kosovo, and hundreds of thousands have been forced from their homes. What more needs to happen before the international community acts?

There is no doubt that the search for peace in Kosovo has thus far proved elusive, and that finding a solution which provides Kosovar Albanians with full political rights and civil liberties will be difficult.

But the time has come for the international community to take action: We must keep our promise not to allow Kosovo to become another Bosnia, and, unless Milosevic halts the violence immediately and unambiguously, to commit ourselves to the course of a much-needed humanitarian intervention in Kosovo.

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

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

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I was over in my office earlier in the afternoon. I heard the quorum calls. Now again we are wasting time in the middle of the afternoon. We are talking about a Wednesday afternoon at about quarter of 5. The Senate is in a quorum call when we could be debating the issue of the Patients' Bill of Rights.