

Collins (MI) Hoke
 Combest Holden
 Condit Horn
 Conyers Houghton
 Cooper Hoyer
 Coppersmith Huffington
 Costello Hughes
 Cox Hunter
 Coyne Hutchinson
 Cramer Hutto
 Crane Hyde
 Crapo Inglis
 Cunningham Inhofe
 Danner Inslee
 Darden Istook
 Deal Jacobs
 DeFazio Jefferson
 DeLauro Johnson (CT)
 DeLay Johnson (GA)
 Dellums Johnson (SD)
 Derrick Johnson, E. B.
 Deutsch Johnson, Sam
 Diaz-Balart Johnston
 Dickey Kanjorski
 Dicks Kaptur
 Dingell Kasich
 Dixon Kennedy
 Dooley Kennelly
 Doolittle Kildee
 Dornan Kim
 Dreier King
 Duncan Kingston
 Dunn Kleczka
 Durbin Klein
 Edwards (CA) Klink
 Edwards (TX) Klug
 Ehlers Knollenberg
 Engel Kolbe
 English Kopetski
 Eshoo Kreidler
 Evans Kyl
 Everett LaFalce
 Ewing Lambert
 Farr Lancaster
 Fawell Lantos
 Fazio LaRocco
 Fields (LA) Laughlin
 Fields (TX) Lazio
 Filner Leach
 Fingerhut Lehman
 Flake Levin
 Foglietta Levy
 Ford (MI) Lewis (CA)
 Fowler Lewis (FL)
 Frank (MA) Lewis (GA)
 Franks (CT) Lightfoot
 Franks (NJ) Linder
 Frost Lipinski
 Furse Livingston
 Gallegly Lloyd
 Gallo Roybal-Allard
 Gejdenson Lowey
 Gekas Lucas
 Gephardt Machtley
 Geren Maloney
 Gibbons Mann
 Gilchrist Manton
 Gillmor Manzullo
 Gilman Margolies-
 Gingrich Mezvinsky
 Glickman Markey
 Gonzalez Martinez
 Goodlatte Matsui
 Goodling Mazzoli
 Gordon McCandless
 Goss McCloskey
 Grams McCollum
 Green McCrery
 Greenwood McCurdy
 Gunderson McDade
 Gutierrez McDermott
 Hall (OH) McHale
 Hall (TX) McHugh
 Hamburg McInnis
 Hamilton McKeon
 Hancock McKinney
 Hansen McMillan
 Harman McNulty
 Hastert Meehan
 Hastings Meek
 Hayes Menendez
 Hefley Meyers
 Hefner Mfume
 Herger Spratt
 Hilliard Michel
 Hinchey Miller (CA)
 Hoagland Miller (FL)
 Hobson Mineta
 Hochbrueckner Minge
 Hoekstra Moakley

Molinari
 Mollohan
 Montgomery
 Moorhead
 Moran
 Morella
 Murphy
 Murtha
 Myers
 Nadler
 Neal (MA)
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Orton
 Owens
 Oxley
 Packard
 Pallone
 Parker
 Pastor
 Paxon
 Payne (NJ)
 Payne (VA)
 Pelosi
 Penny
 Peterson (FL)
 Peterson (MN)
 Petri
 Pickett
 Pickle
 Pombro
 Pomeroy
 Porter
 Portman
 Poshard
 Price (NC)
 Pryce (OH)
 Quillen
 Quinn
 Rahall
 Ramstad
 Rangel
 Ravenel
 Reed
 Regula
 Reynolds
 Richardson
 Ridge
 Roberts
 Roemer
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Rostenkowski
 Roth
 Roukema
 Rowland
 Roybal-Allard
 Royce
 Rush
 Sanders
 Sangmeister
 Santorum
 Sarpaluis
 Sawyer
 Saxton
 Schaefer
 Schenk
 Schiff
 Schroeder
 Schumer
 Scott
 Sensenbrenner
 Serrano
 Shaw
 Shays
 Shepherd
 Shuster
 Siskisky
 Skaggs
 Skeen
 Skelton
 Slattery
 Slaughter
 Smith (IA)
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Snowe
 Solomon
 Spratt
 Stark
 Stearns
 Stenholm
 Stokes
 Strickland
 Stump

Stupak
 Sundquist
 Swift
 Swift
 Synar
 Talent
 Tanner
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Tejeda
 Thomas (CA)
 Thomas (WY)
 Thompson
 Thornton
 Thurman

Torkildsen
 Torres
 Torricelli
 Towns
 Traficant
 Unsoeld
 Upton
 Velazquez
 Vento
 Visclosky
 Volkmer
 Vucanovich
 Walker
 Walsh
 Waters
 Watt

Waxman
 Weldon
 Wheat
 Whitten
 Williams
 Wilson
 Wise
 Wolf
 Woolsey
 Wyden
 Wynn
 Yates
 Young (AK)
 Young (FL)
 Zeliff
 Zimmer

NOT VOTING—20

Barlow
 Brown (CA)
 Byrne
 Coleman
 de la Garza
 Emerson
 Fish

Ford (TN)
 Grandy
 Mink
 Neal (NC)
 Rose
 Sabo
 Sharp

Smith (OR)
 Spence
 Studds
 Tucker
 Valentine
 Washington

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

§50.30 PROVIDING FOR THE CONSIDERATION OF H.R. 2108

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-508) the privileged resolution (H. Res. 428) providing for the consideration of the bill (H. R. 2108) to make improvements in the Black Lung Benefits Act.

When said resolution and report were referred to the House Calendar and ordered printed.

§50.31 PROVIDING FOR THE CONSIDERATION OF H.R. 4301

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-509) the privileged resolution (H. Res. 429) providing for the consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

§50.32 SUBPOENA

The SPEAKER pro tempore, Mr. KILDEE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
 May 17, 1994.

Hon. THOMAS S. FOLEY.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance is inconsistent with the privileges and precedents of the House.

Sincerely,

RON WYDEN,
 Member of Congress.

§50.33 CALIFORNIA DESERT PROTECTION

The SPEAKER pro tempore, Mr. KILDEE, pursuant to House Resolution 422 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and Mojave National Monument, and for other purposes.

The SPEAKER pro tempore, Mr. KILDEE, by unanimous consent, designated Mr. PETERSON of Florida as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. WISE, assumed the Chair.

When Mr. PETERSON of Florida, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

§50.34 MINERAL EXPLORATION AND DEVELOPMENT

On motion of Mr. MILLER of California, by unanimous consent, the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. MILLER of California, it was,

Resolved. That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. WISE, by unanimous consent, announced the appointment of Messrs. MILLER of California, LEHMAN, RAHALL, YOUNG of Alaska, and Mrs. VUCANOVICH, as managers on the part of the House at said conference.

Ordered. That the Clerk notify the Senate thereof.

§50.35 SUBPOENA

The SPEAKER pro tempore, Mr. WISE, laid before the House a communication, which was read as follows:

COMMITTEE ON ENERGY AND COMMERCE,
 SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT,
 Washington, DC May 17, 1994.

Hon. THOMAS S. FOLEY,
 Speaker of the House,
 Washington, DC

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance is inconsistent with the privileges and precedents of the House.

Sincerely,

HENRY A. WAXMAN,

50.36 AIRPORT IMPROVEMENT

Mr. WISE moved to suspend the rules and agree to the following amendment of the Senate to amendment of the House to the bill (S. 2024) to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Temporary Extension Act of 1994".

TITLE I—AIRPORT IMPROVEMENT PROGRAM

SEC. 101. AIRPORT IMPROVEMENT PROGRAM AUTHORIZATION.

(a) AUTHORIZATION.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by striking "and" after "1992,"; and
(2) by inserting ", and \$15,413,157,000 for fiscal years ending before October 1, 1994" before the period at the end.

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "September 30, 1993" and inserting "June 30, 1994".

SEC. 102. APPORTIONMENT OF FUNDS.

Section 507(b)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(3)(A)) is amended—

(1) by striking "or reducing the amount authorized or" and inserting "the amounts";
(2) by inserting "to less than \$1,900,000,000" after "to be obligated"; and
(3) by striking "limited or reduced".

SEC. 103. MINIMUM AMOUNT FOR PRIMARY AIRPORTS.

Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended by striking "\$400,000" and inserting "\$500,000".

SEC. 104. DISCRETIONARY FUND.

(a) MINIMUM AMOUNT TO BE CREDITED.—Section 507(c) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(c)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—In any fiscal year not less than \$325,000,000 of the amount made available under section 505(a) shall be credited to the discretionary fund established by paragraph (1), and such \$325,000,000 shall be exclusive of amounts that have been apportioned in a prior year under this section and which remain available for obligation.

"(B) In any fiscal year in which the amount credited to the discretionary fund pursuant to paragraph (1) is less than \$325,000,000, the total amount calculated under subparagraph (C) of this paragraph shall be reduced by an amount which, when credited to the discretionary fund, will, together with the amount credited pursuant to paragraph (1), equal \$325,000,000.

"(C) The total amount, for any fiscal year, that is subject to reduction pursuant to subparagraph (B) shall be the sum of—

- "(i) the amount determined under subsection (a)(1);
- "(ii) the amount determined under subsection (a)(2);
- "(iii) the amount determined under subsection (a)(3);
- "(iv) the amount determined under section 508(d)(1);
- "(v) the amount determined under section 508(d)(2);

"(vi) the amount determined under section 508(d)(3);

"(vii) the amount determined under section 508(d)(4); and

"(viii) the amount determined under section 508(d)(5).

"(D) To accomplish a reduction pursuant to subparagraph (B), each of the amounts described in subparagraphs (C)(i) through (C)(viii), respectively, shall be reduced by an equal percentage."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 105. USE OF APPORTIONED AND DISCRETIONARY FUNDS.

Section 508(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)) is amended—

(1) in paragraph (1), by striking "10" and inserting "5";

(2) in paragraph (3), by striking "2.5" wherever it appears and inserting "1.5"; and

(3) in paragraph (4), by striking "½" and inserting "¾".

SEC. 106. REIMBURSEMENT FOR PAST EXPENDITURES.

Section 513(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" after the semicolon at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following:

"(C)(i) it was incurred—
"(I) during fiscal year 1994;

"(II) before execution of a grant agreement with respect to the project but in accordance with an airport layout plan approved by the Secretary and in accordance with all applicable statutory and administrative requirements that would have been applicable to the project if the grant agreement had been executed; and

"(III) for work related to a project for which a grant agreement was previously executed during fiscal year 1994; and

"(ii) its Federal share is only paid with sums appointed under sections 507(a)(1) and 507(a)(2)."

SEC. 107. TERMINAL DEVELOPMENT.

Section 513(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2212(b)(2)) is amended—

(1) in the second sentence
(A) by inserting after "may be used" the following: ", subject to the approval of the Secretary, (A)"; and

(B) by striking the period at the end and inserting the following: ", and (B) by the sponsor of a reliever airport for the types of project costs allowable under paragraph (1) of this subsection, including project costs allowable for a commercial service airport which annually has .05 percent or less of the total enplanements in the United States."; and

(2) by adding at the end the following: "All or any portion of the sums to be distributed at the discretion of the Secretary under sections 507(c) and 507(d) for any fiscal year may be distributed for use by primary airports each of which annually has .05 percent or less of the total enplanements in the United States for project costs allowable under paragraph (1) of this subsection."

SEC. 108. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking "(as such Acts were in effect on the date of the enactment of the Airport and Airway Safety, Capacity, Noise Improvement, and Inter-modal Transportation Act of 1992)" and inserting "or the

Airport Improvement Program Temporary Extension Act of 1994 (as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)".

SEC. 109. UPWARD ADJUSTMENTS.

(a) IN GENERAL.—The second sentence of section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is further amended by—

(1) inserting "(A)" before "Apportioned"; and

(2) inserting before the period at the end ";

and
(B) funds which have been recovered by the United States from grants made under this title if such funds are obligated only for increases under sections 512(b)(2) and 512(b)(3) of this title in the maximum obligation of the United States for any other grant made under this title".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1993.

TITLE II—AIRPORT-AIR CARRIER DISPUTES REGARDING AIRPORT FEES

SEC. 201. EMERGENCY AUTHORITY TO FREEZE CERTAIN AIRPORT FEES.

(a) COMPLAINT BY AIR CARRIER.—

(1) FILING.—An air carrier may file prior to June 30, 1994, with the Secretary a written complaint alleging that any increased fee imposed upon such air carrier by the owner or operator of an airport is not reasonable. The air carrier shall simultaneously file with the Secretary proof that a copy of the complaint has been served on the owner or operator of the airport.

(2) OPPORTUNITY TO RESPOND.—Before issuing an order under subsection (b), the Secretary shall provide the owner or operator of the airport an opportunity to respond to the filed complaint.

(3) FRIVOLOUS COMPLAINT.—If the Secretary determines that a complaint is frivolous, the Secretary may refuse to accept the complaint for filing.

(b) Order By The Secretary.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue, within 7 days after the filing of a complaint in accordance with subsection (a), an order prohibiting the owner or operator of the airport from collecting the increased portion of the fee that is the subject of the complaint, unless the Secretary makes a preliminary determination that the increased fee is reasonable. Subject to subsection (d), the order shall cease to be effective on June 30, 1994.

(2) LIMITATION.—The Secretary shall not issue an order under this subsection prohibiting the collection of any portion of a fee for which the Secretary's informal mediation assistance was requested on March 21, 1994.

(c) OPPORTUNITY TO COMMENT AND FURNISH RELATED MATERIAL.—Within a period prescribed by the Secretary, the owner or operator of the airport and any affected air carrier may submit comments to the Secretary on a complaint filed under subsection (a) and furnish to the Secretary any related documents or other material.

(d) ACTION ON COMPLAINT.—Based on comments and material provided under subsection (c), the Secretary may take appropriate action on the complaint, including termination or other modification of any order issued under subsection (b).

(e) APPLICABILITY.—This section does not apply to a fee imposed pursuant to a written agreement binding on air carriers using the facilities of an airport.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect any existing written agreement between an air carrier and the owner or operator of an airport.