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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 11, 2003.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Thomas A. Erickson, Interim Pastor, the National Presbyterian Church, Washington, DC., offered the following prayer:

Almighty and ever-gracious God, You have given us this good land as our heritage. We thank You for patriots in the past who have occupied this Chamber and whose dedication has secured the liberties we enjoy today. Bless those who now hold office in this House. We thank You for their commitment to the highest ideals of freedom. Enable them to do their work with wisdom and kindness, that their legislation may enhance life, liberty, and justice for all. In Your holy name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. NETHERCUTT) come forward and lead the House in the Pledge of Allegiance.

Mr. NETHERCUTT 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches on each side.

WELCOMING THE REV. DR. THOMAS A. ERICKSON

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I am pleased to welcome here to the Chamber today Dr. Tom Erickson, the interim pastor at National Presbyterian Church who offered the opening prayer. We are thankful for his presence today, and we are thankful that he has devoted himself to a ministry in the Presbyterian faith.

Dr. Erickson is no stranger to Presbyterian ministry and commitment to God. He has served a lifetime of ministries in Spokane, Washington, my home town, in California and Massachusetts; and he most recently retired from a very large church in Paradise Valley, Arizona.

He brings to the ministry a kindness, a grace, a wisdom, a commitment to Jesus Christ, a commitment to his faith and a commitment to compassion around this country and to those he ministers to and serves. He is a credit to the ministry of the Presbyterian faith. We are so delighted that he has committed himself, even after retirement, to an interim position here in Washington, D.C. at the National Presbyterian Church in Washington, a church of great tradition and history.

He and his wife, Carol, have been married for almost 49 years. They have three beautiful daughters who are adult children, and they are devoted to those dear children and to each other and to their faith in God.

We are delighted that Dr. Erickson could be here today, and we certainly welcome him and thank him for his prayer this morning.

FAMILY FRIENDLY WAL-MART

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Wal-Mart is our Nation's largest company and it is growing. The company plans to expands its workforce from 1.2 million to 3 million over the next 5 years, and it will build 48 million square feet of new retail space.

Fortune Magazine recently named Wal-Mart the Nation's most admired company. The retail chain offers its many products and selections in a family-friendly environment.

Recently, the retail chain has announced plans to cover four women's magazines it carries on its sales racks. The content on the covers of these magazines could offend customers and are inappropriate for children. It has

Printed on recycled paper.

taken similar stands in the past to protect the families who shop at their stores.

Even during tough economic times, Wal-Mart has found ways to keep people coming through the door, and it has not sacrificed the principles Sam Walton has established.

Those family-friendly principles are part of Wal-Mart's success and have set the example for how retailers should act, regardless of the economic conditions or latest trends.

WHERE WAS THE IMMINENT THREAT

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the Bush administration made specific, unequivocal statements about the imminent threat posed by Iraq's alleged weapons of mass destruction, repeatedly claiming they had intelligence showing Iraq had 25,000 liters of anthrax, 38,000 liters of botulin toxin, 500 tons of sarin mustard and VX nerve agent, and over 30,000 munitions capable of delivering chemical agents. So where are those vast stockpiles? Where was the imminent threat?

At the State of the Union the President said, Hussein had the materials to produce as much as 500 tons of sarin mustard and VX nerve agent. Where are those vast stockpiles? Where was the imminent threat?

This administration repeatedly claimed Iraq's weapons of mass destruction represented an imminent threat to this country. They claimed specific evidence of vast stockpiles. Where are those vast stockpiles? Where was the imminent threat?

Did this administration deliberately mislead this Nation into war, telling us there was an imminent threat when there was not?

The resolution of inquiry now signed by 36 Members of the House aims to find out the truth.

WEAPONS OF MASS DESTRUCTION ARE IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH), who just addressed this body, raised the issue that I suspect we will hear again and again before this Congress. Where are the WMDs, and who do you believe? Did the Bush administration mislead the American people?

Well, in answering the question of who you believe, I believe Saddam Hussein, Mr. Speaker, who in 1991 after being soundly defeated in the Persian Gulf War admitted to the U.N. agency responsible for monitoring the cease fire that he possessed 10,000 nerve gas warheads, 1,500 chemical weapons, and 412 tons of chemical weapons with 25 long-range missiles.

Even President Clinton when he bombed Baghdad in 1998 said he did so to ''attack Iraq's nuclear, chemical and biological programs in its capacity to threaten its neighbors.''

As a State Department official told the Committee on International Relations last week, there was no change in the assessment of the WMD program from the Clinton administration to the Bush administration. Those weapons were there. The program was there. The President led America aright in this war.

CHILD TAX CREDIT SHOULD APPLY TO ALL

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, hopefully this week the House will correct an error in the most recently signed tax cut bill and extend the tax credit to literally hundreds of thousands of American families who do not qualify under the act that was signed by the President.

One of the arguments that has been used against extending this tax credit for children to lower-income people is that they do not pay enough taxes.

This is the most recent payroll stub from one of my Little Rock residents, a single mom with two children. She works over 40 hours a week as a certified nursing assistant at a State facility.

She pays $51.80 so far this year in Federal taxes. Look at the next two lines. She pays Social Security tax, a Federal tax. She pays her Medicare tax. A Federal tax. She pays State taxes. She pays State excise tax. She pays State sales tax. These people pay taxes. They have children. They deserve to get the benefit of this tax cut also. Please vote for a clean version of the extension of this child tax credit.

CONGRESSIONAL DELEGATION VISITS NORTH KOREA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in my travels over the years promoting democracy, I have visited communist nations, but none have had the anomalies of my visit to the capital of North Korea, Pyongyang, on a congressional delegation last week led by the gentleman from Pennsylvania (Mr. WELDON).

The government officials tried to show North Korea as if nothing were wrong. Yet empty streets and buildings gave signs of a fragile economy, and the intense communist and anti-American propaganda gave signs of a weak society.

President Bush has praised our troops for getting the world's attention with success in Afghanistan and Iraq. Our invitation was a reflection of this attention, summarized by delegation co-chairman, the gentleman from Texas (Mr. ORTIZ), who said, ''The world has either seen the light or felt the heat.''

North Korea is a tipping point, struggling to hold up a crumbling society that was neglected in the pursuit of nuclear weapons. I support the efforts of President Bush to seek a peaceful solution with North Korea so they will be disarmed by the nuclear threat and that innocent North Korean civilian can be saved from tragedy.

In conclusion, God bless our troops.

CURRENT UNEMPLOYMENT SITUATION IS GRIM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about something that the President does not want you to hear about. It is called our country's current unemployment situation.

Now, when the President began his term a little over 2 years ago, our Nation's unemployment rate stood at 4.1 percent, but today it stands at 6.1 percent. That means that there are 2.6 million people more who do not have a job. That is not those people who lost their jobs during this time and were able to find another job that paid less. There are plenty of those people who are making less. Or those people who stayed on the job but had to make less because their wages were cut.

No, these are people who are out of jobs, 2.6 million more people; 1.1 million more of them in California.

□ 1015

The situation is even worse if you are a Hispanic, because the unemployment rate is now at 8.2 percent for Hispanics.

More than 1.5 million Hispanics, Mr. President, have lost their jobs since you took office. We have got to start talking about this and doing something about this job loss.

WILLIAM ''BOO'' BARTON

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, I rise today to salute a young man from Groesbeck, Texas, William ''Boo'' Barton, a 17-year-old high school junior with an incredible athletic gift, an incredible story and an incredibly big heart, as big as the State of Texas. Last September while playing for the Groesbeck Goats football team, Boo Barton suffered a tragic injury on the field. Shortly afterwards, doctors were forced to amputate his left leg 4 inches below the knee. The doctors told Boo with luck he would be able to walk, but

Boo and his track coach, Phil LaFountaine, had bigger dreams. Three months after being fitted with a prosthetic leg, with family, friends and teammates looking on, Boo Barton defied all the odds by running the 100-meter race at the Groesbeck Goat relays. His time: 14.06. Some may say that was not the winning time that day, but I and everyone in the stands know better.

Mr. Speaker, Boo Barton is an inspiring example to all of us. He shows us with the power of positive thinking and persistence through adversity, you can still dream bold dreams in America.

INTRODUCTION OF THE FULLY FUND THE NO CHILD LEFT BEHIND ACT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, yesterday afternoon the President held a Rose Garden ceremony to celebrate the No Child Left Behind Act. I voted for that legislation and I wish I could have joined in the celebration, but unfortunately because the administration refuses to fund the new law, I spent my afternoon answering questions from unhappy local leaders in my district who wanted to know where the money is going to come from to pay for the President's education reforms. Despite yesterday's White House photo op, the fact remains that the administration is cutting $20 billion from No Child Left Behind. Local leaders know that they will get stuck with the bill for these educational cuts.

Make no mistake, the Bush educational cuts will result in worse schools, cuts in local services like law enforcement and fire and rescue or higher property taxes, or all of the above. There has got to be a better way.

Last week I introduced H.R. 2366, the Fully Fund the No Child Left Behind Act. My bill simply requires the Federal Government to fund No Child Left Behind. Mr. Speaker, it is only fair. I urge my colleagues to join us in this legislation.

MEDICARE

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, finally a strengthened Medicare system that includes prescription drug coverage seems to be the number one priority for both houses of Congress. The time is right to make progress. We have a tremendous opportunity to reform Medicare and help our seniors. The budget of $400 billion over the next 10 years is enough to strengthen and improve Medicare, so we do have the resources to make reform work.

Our Nation has made a binding commitment to bring affordable health care to our seniors. We must honor that commitment by making sure Medicare stays current with the needs of today's seniors. When Medicare was launched 38 years ago, medicine focused on surgery and hospital stays. Today doctors routinely treat patients with prescription drugs, preventive care and groundbreaking medical devices. Our goal is to give seniors the best, most innovative care. This will require a strong, up-to-date Medicare system that relies on innovation and quality delivery, not bureaucratic rules and regulations. We can reach that goal now.

VETERANS FACE INCREASED COSTS FOR HEALTH CARE

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I rise today to point out the shabby treatment that this House and the administration is directing toward our Nation's veterans and our Nation's children. Just yesterday it was confirmed in the Committee on Veterans' Affairs that the administration continues to push for a $250 annual enrollment fee for many of our veterans just to be able to participate in the VA health care system. They want to increase the cost of a prescription drug from $7 to $15 a prescription. They want to increase the cost of a clinic visit from $15 to $20. At a time when our young men and women are fighting for this country in Iraq, this President and this Congress want to impose additional financial hardships on the backs of our veterans. It does not make sense. It is time for the people of this country to become aware of what is happening. This administration is treating our veterans in a shabby manner and it ought to stop.

EXPANDING THE CHILD TAX CREDIT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, for the last few days the Democrats have been demanding that the Republicans bring up the child tax credit and extend it for lower-income working families. The Senate passed this bill. It is time for the House to bring it up. What do we hear today? What have the House Republicans done? Basically what they have done is to take this very small amount of money, $3.5 billion that will pay for these 12 million kids to get their child tax credit, and they have now expanded it, they are not paying for it and they are trying to cover and pay $82 billion for an expanded tax break for wealthier individuals.

Why is it that we cannot just take up the Senate-passed bill, give these 12 million kids and their parents a tax break that they deserve, and instead we are holding this bill hostage so that we can have more tax breaks for wealthier people and deal with other tax issues that are not germane to these 12 million kids? I resent the fact that the House Republicans are now holding this bill hostage, holding these working families hostage to try to expand tax cuts for other people and wealthier individuals.

EXPANDING THE CHILD TAX CREDIT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, can I read the roll: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, D.C., Texas, Florida, Georgia. And it goes on and on; 19 million children left out in the cold.

Mr. Speaker, why can we not be a cooperative and collaborative Congress that works on behalf of the American people? Why is it that the President has made a statement this morning or yesterday saying support the Senate bill? What kind of leadership says that the President's representative who has asked this Congress to collaborate to provide a tax credit refund for working families, Ari Fleischer, someone says, ''He does not have a vote''?

Mr. Speaker, the American people have a vote. I frankly do not hear those making $150,000 clamoring for this tax credit refund for children but I do hear the working families who make $26,000, who get up early in the morning, who pay payroll taxes, property taxes, and sales taxes saying, give us a simple break. Allow the Senate bill to go forward, allow the President to sign it. Let us work on behalf of the American people and not special interests.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

COMMERCIAL SPECTRUM ENHANCEMENT ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1320) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users, as amended.

The Clerk read as follows:

H.R. 1320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Spectrum Enhancement Act''.

SEC. 2. RELOCATION OF ELIGIBLE FEDERAL ENTITIES FOR THE REALLOCATION OF SPECTRUM FOR COMMERCIAL PURPOSES.

Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)) is amended by striking paragraphs (1) through (3) and inserting the following:—

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies specified in paragraph (2) and that incurs relocation costs because of the reallocation of frequencies from Federal use to non-Federal use shall receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.

''(2) ELIGIBLE FREQUENCIES.—The bands of eligible frequencies for purposes of this section are as follows:

''(A) the 216–220 megahertz band, the 1432–1435 megahertz band, the 1710–1755 megahertz band, and the 2385–2390 megahertz band of frequencies; and

''(B) any other band of frequencies reallocated from Federal use to non-Federal use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), except for bands of frequencies previously identified by the National Telecommunications and Information Administration in the Spectrum Reallocation Final Report, NTIA Special Publication 95–32 (1995).

''(3) DEFINITION OF RELOCATION COSTS.—For purposes of this subsection, the term 'relocation costs' means the costs incurred by a Federal entity to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment or by utilizing an alternative technology. Such costs include—

''(A) the costs of any modification or replacement of equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation;

''(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including outside consultants, and reasonable additional costs incurred by the Federal entity that are attributable to relocation, including increased recurring costs associated with the replacement facilities;

''(C) the costs of engineering studies, economic analyses, or other expenses reasonably incurred in calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection;

''(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of such frequencies prior to the termination of the Federal entity's primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process; and

''(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment.

''(4) NOTICE TO COMMISSION OF ESTIMATED RELOCATION COSTS.—

''(A) The Commission shall notify the NTIA at least 18 months prior to the commencement of any auction of eligible frequencies defined in paragraph (2). At least 6 months prior to the commencement of any such auction, the NTIA, on behalf of the Federal entities and after review by the Office of Management and Budget, shall notify the Commission of estimated relocation costs and timelines for such relocation.

''(B) Upon timely request of a Federal entity, the NTIA shall provide such entity with information regarding an alternative frequency assignment or assignments to which their radiocommunications operations could be relocated for purposes of calculating the estimated relocation costs and timelines to be submitted to the Commission pursuant to subparagraph (A).

''(C) To the extent practicable and consistent with national security considerations, the NTIA shall provide the information required by subparagraphs (A) and (B) by the geographic location of the Federal entities' facilities or systems and the frequency bands used by such facilities or systems.

''(5) NOTICE TO CONGRESSIONAL COMMITTEES AND GAO.—The NTIA shall, at the time of providing an initial estimate of relocation costs to the Commission under paragraph (4)(A), submit to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General a copy of such estimate and the timelines for relocation.

''(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies defined in paragraph (2) to frequencies or facilities of comparable capability. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems by relocating to a new frequency assignment or by utilizing an alternative technology, the NTIA shall terminate the entity's authorization and notify the Commission that the entity's relocation has been completed. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation submitted by the Director of the Office of Management and Budget under section 118(d)(2)(B).''.

SEC. 3. MINIMUM AUCTION RECEIPTS AND DISPOSITION OF PROCEEDS.

(a) AUCTION DESIGN.—Section 309(j)(3) of the Communications Act of 1934 (47 U.S.C. 309(j)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) for any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)), the recovery of 110 percent of estimated relocation costs as provided to the Commission pursuant to section 113(g)(4) of such Act.''.

(b) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—Section 309(j) of such Act is further amended by adding at the end the following new paragraph:

''(15) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—

''(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall at least equal 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act.

''(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auction of eligible frequencies described in section 113(g)(2) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent reauction of such spectrum.

''(C) AUTHORITY TO ISSUE PRIOR TO DEAUTHORIZATION.—In any auction conducted under the regulations required by subparagraph (A), the Commission may grant a license assigned for the use of eligible frequencies prior to the termination of an eligible Federal entity's authorization. However, the Commission shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity's authorization has been terminated by the National Telecommunications and Information Administration.''.

(c) DEPOSIT OF PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by inserting ''or subparagraph (D)'' after ''subparagraph (B)''; and

(2) by adding at the end the following new subparagraph:

''(D) DISPOSITION OF CASH PROCEEDS.—Cash proceeds attributable to the auction of any eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.''.

SEC. 4. ESTABLISHMENT OF FUND AND PROCEDURES.

Part B of the National Telecommunications and Information Administration Organization Act is amended by adding after section 117 (47 U.S.C. 927) the following new section:

''SEC. 118. SPECTRUM RELOCATION FUND.

''(a) ESTABLISHMENT OF SPECTRUM RELOCATION FUND.—There is established on the books of the Treasury a separate fund to be known as the 'Spectrum Relocation Fund' (in this section referred to as the 'Fund'), which shall be administered by the Office of Management and Budget (in this section referred to as 'OMB'), in consultation with the NTIA.

''(b) CREDITING OF RECEIPTS.—The Fund shall be credited with the amounts specified in section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)).

''(c) USED TO PAY RELOCATION COSTS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section 113(g)(3) of this Act, of an eligible Federal entity incurring such costs with respect to relocation from those frequencies.

''(d) FUND AVAILABILITY.—

''(1) APPROPRIATION.—There are hereby appropriated from the Fund such sums as are required to pay the relocation costs specified in subsection (c).

''(2) TRANSFER CONDITIONS.—None of the funds provided under this subsection may be transferred to any eligible Federal entity—

''(A) unless the Director of OMB has determined, in consultation with the NTIA, the appropriateness of such costs and the timeline for relocation; and

''(B) until 30 days after the Director of the OMB has submitted to the Committees on Appropriations and Energy and Commerce of the

House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General a detailed plan describing how the sums transferred from the Fund will be used to pay relocation costs in accordance with such subsection and the timeline for such relocation.

''(3) REVERSION OF UNUSED FUNDS.—Any auction proceeds in the Fund that are remaining after the payment of the relocation costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund.

''(e) TRANSFER TO ELIGIBLE FEDERAL ENTITIES.—

''(1) TRANSFER.—

''(A) Amounts made available pursuant to subsection (d) shall be transferred to eligible Federal entities, as defined in section 113(g)(1) of this Act.

''(B) An eligible Federal entity may receive more than one such transfer, but if the sum of the subsequent transfer or transfers exceeds 10 percent of the original transfer—

''(i) such subsequent transfers are subject to prior approval by the Director of OMB as required by subsection (d)(2)(A);

''(ii) the notice to the committees containing the plan required by subsection (d)(2)(B) shall be not less than 45 days prior to the date of the transfer that causes such excess above 10 percent;

''(iii) such notice shall include, in addition to such plan, an explanation of need for such subsequent transfer or transfers; and

''(iv) the Comptroller General shall, within 30 days after receiving such plan, review such plan and submit to such committees an assessment of the explanation for the subsequent transfer or transfers.

''(C) Such transferred amounts shall be credited to the appropriations account of the eligible Federal entity which has incurred, or will incur, such costs, and shall, subject to paragraph (2), remain available until expended.

''(2) RETRANSFER TO FUND.—An eligible Federal entity that has received such amounts shall report its expenditures to OMB and shall transfer any amounts in excess of actual relocation costs back to the Fund immediately after the NTIA has notified the Commission that the entity's relocation is complete, or has determined that such entity has unreasonably failed to complete such relocation in accordance with the timeline required by subsection (d)(2)(A).''.

SEC. 5. TELECOMMUNICATIONS DEVELOPMENT FUND.

Section 714(f) of the Communications Act of 1934 (47 U.S.C. 614(f)) is amended to read as follows:

''(f) LENDING AND CREDIT OPERATIONS.—Loans or other extensions of credit from the Fund shall be made available to an eligible small business on the basis of—

''(1) the analysis of the business plan of the eligible small business;

''(2) the reasonable availability of collateral to secure the loan or credit extension;

''(3) the extent to which the loan or credit extension promotes the purposes of this section; and

''(4) other lending policies as defined by the Board.''.

SEC. 6. CONSTRUCTION.

Nothing in this Act is intended to modify section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 7. ANNUAL REPORT.

The National Telecommunications and Information Administration shall submit an annual report to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General on—

(1) the progress made in adhering to the timelines applicable to relocation from eligible frequencies required under section 118(d)(2)(A) of the National Telecommunications and Information Administration Organization Act, separately stated on a communication system-by-system basis and on an auction-by-auction basis; and

(2) with respect to each relocated communication system and auction, a statement of the estimate of relocation costs required under section 113(g)(4) of such Act, the actual relocations costs incurred, and the amount of such costs paid from the Spectrum Relocation Fund.

SEC. 8. PRESERVATION OF AUTHORITY; NTIA REPORT REQUIRED.

(a) SPECTRUM MANAGEMENT AUTHORITY RETAINED.—Except as provided with respect to the bands of frequencies identified in section 113(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(A)) as amended by this Act, nothing in this Act or the amendments made by this Act shall be construed as limiting the Federal Communications Commission's authority to allocate bands of frequencies that are reallocated from Federal use to non-Federal use for unlicensed, public safety, shared, or non-commercial use.

(b) NTIA REPORT REQUIRED.—Within 1 year after the date of enactment of this Act, the Administrator of the National Telecommunications and Information Administration shall submit to the Energy and Commerce Committee of the House of Representatives and the Commerce, Science, and Transportation Committee of the Senate a report on various policy options to compensate Federal entities for relocation costs when such entities' frequencies are allocated by the Commission for unlicensed, public safety, shared, or non-commercial use.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1320, bipartisan legislation called the Commercial Spectrum Enhancement Act, otherwise known as the spectrum relocation trust fund bill. I introduced this legislation with my good friend, the gentleman from New York (Mr. TOWNS), along with the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BOUCHER), the gentleman from Nebraska (Mr. TERRY), the gentleman from Texas (Mr. GREEN), the gentleman from Florida (Mr. STEARNS), the gentleman from New Hampshire (Mr. BASS), the gentleman from Mississippi (Mr. PICKERING), the gentleman from Kentucky (Mr. WHITFIELD), and the gentleman from Illinois (Mr. KIRK).

Lately the subcommittee has been focused on the ailing telecommunications sector. Clearly the commercial wireless industry has not been spared from the wreckage, and we have been searching for ways to restore some hope. In my view what we need to do is get new, valuable spectrum into the hands of the commercial wireless carriers so that they can bring new, advanced wireless services to the consumer. That would be good for the wireless carriers, good for the equipment manufacturers, good for the consumer, and certainly great for the economy.

In the current context, the government already has identified the 1710 to 1755 megahertz band for relocation from the government to the private sector. This spectrum, mostly encumbered by DOD, is considered valuable ''beachfront property'' due to its suitability for commercial, mobile advanced wireless services like 3G. However, the road to relocating government entities to comparable spectrum is unpaved and filled with potholes. This bumpy road creates massive uncertainty in the process and depresses interest in participating in the auction in the first place.

H.R. 1320 would pave that road, establishing a spectrum relocation fund and procedures to ensure a timely, certain and privately yet fully funded relocation of Federal incumbents to comparable spectrum. H.R. 1320 requires the FCC to notify the National Telecommunications and Information Administration, NTIA, 18 months before conducting an auction of relocated spectrum. The purpose of that notification is so that the NTIA, after review by the Office of Management and Budget, can provide the Commission with an estimate of relocation costs for a particular band and a time line for relocation. That information is critical because under the legislation, an FCC auction of relocated spectrum is only valid if the auction yields proceeds of at least 110 percent of the estimated relocation costs.

The proceeds from auctions of eligible reallocated bands are deposited into a spectrum relocation fund which is an OMB-administered separate fund at the Department of Treasury. If any agency has any transferred money remaining when relocation is complete, the agency is required to transfer the money back to the spectrum relocation fund right away. Unexpected auction proceeds are then transferred to the Treasury no later than 8 years after the proceeds were initially deposited into the spectrum relocation fund. All the while, H.R. 1320 provides tight fiscal controls and congressional oversight, as it should, of the use of the spectrum relocation fund.

Finally, the bill exempts the telecommunications development fund, TDF, from the Federal Credit Reform Act, the practical application of which has prevented TDF from making loans without first obtaining budget authority on an annual basis. The provision in H.R. 1320 will significantly enhance

the TDF's ability to make loans to worthy development projects focused on rural and underserved areas. I appreciate my good friend, the gentleman from New York (Mr. TOWNS), for his attention to this issue. I am pleased that the provision in fact is incorporated into the bill.

As such, the bipartisan bill represents a win-win-win. That is good news for the private sector which craves certainty in the process and the consumer who craves the benefits which new services enabled by additional spectrum will afford them. That is good news for government agencies who know that they will be made whole when they relocate to comparable spectrum and the taxpayer who will not have to pay a dime to relocate government agencies and will know that there is tight fiscal oversight in that regard. As I indicated, all of this is great news for the economy.

I should also add that we worked very closely with the administration to get where we are today and that the bill enjoys the administration's support, including the Department of Defense, the OMB and NTIA. I want to especially thank Assistant Secretary of Commerce Nancy Victory and former Deputy Assistant Secretary of Defense Stephen Price, the gentleman from Louisiana (Mr. TAUZIN), my good friend from the great State of Michigan, ranking member (Mr. DINGELL), and certainly the gentleman from Massachusetts (Mr. MARKEY), in addition to the majority and minority staff for their efforts to get us where we are today. I urge an ''aye'' vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by first thanking my good and great friend, the gentleman from Michigan (Mr. UPTON), for that wonderful opening statement and to the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), to the great Member of Congress from the State of Michigan (Mr. DINGELL), the dean of the entire House of Representatives, for his wonderful work on this legislation, and to all the Members who participated in the formulation of this excellent piece of legislation. I want to thank all of them for their help in putting this bill together today.

The goal of this legislation is to establish a policy mechanism that may assist the Federal Government in reallocating airwave frequencies from the Federal Government to the Federal Communications Commission. Ensuring the best use of such frequencies for the public is a vital function of both the National Telecommunications Information Agency and the Federal Communications Commission. The bill we bring to the House floor this morning proposes the creation of a fund derived from FCC auction revenue to pay the military and other Federal users for moving out of particular bands of frequencies. Establishing such a mechanism when and if the FCC chooses to license certain government frequencies through auctions may bring greater certainty to the process and may also speed along the availability of certain frequencies. In addition, one issue that we will need to continue to focus on is the necessity of ensuring that the money raised is spent wisely and with adequate oversight. We have returned to an era of Federal budget deficits for as far as the eye can see and, as a result, this is a very important issue.

□ 1030

The bill does contain improved oversight and reporting provisions to guard against cost overruns by Federal entities that seek to use money in the Spectrum Relocation Fund, but this process will likely need ongoing review as the bill is implemented.

I want to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), and the gentleman from Louisiana (Chairman TAUZIN) for their work in this area.

Second, it is important to note that today's bill puts in place a new policy for Federal spectrum reallocations. It does so through establishing a Federal fund derived from auction proceeds to compensate the Federal users for the costs associated with moving out of their current frequencies.

One issue that arose during the committee consideration of this bill is that this new policy is only operative in circumstances when an auction actually occurs. I think it is important to recognize that in the future certain frequencies utilized by Federal entities may be reallocated by the Federal Communications Commission, yet not licensed through auctions. They may be for public safety, noncommercial uses, shared frequencies, or unlicensed use such as the so-called WiFi technologies. In other words, in order to ensure the highest and best use of such frequencies for the public, the FCC may seek to allocate or assign such frequencies without auctions.

In recent years it has become evident that one of the telecommunications sector's economic bright spots has been unlicensed applications such at WiFi. Ensuring that we have a policy in place to permit the Federal Communications Commission to continue to promote unlicensed spectrum is important. But in addition, retaining the historic flexibility for the Federal Communications Commission to allocate frequencies for both commercial and noncommercial use is something we should safeguard, even as we put in place a new policy to compensate Federal users for the costs of moving out.

We do not want the absence of an articulated policy for unlicensed use, shared use, public safety use, or noncommercial use to be construed as compelling the FCC to use auctions whenever it intends to move a Federal user to another frequency band.

I am pleased that the legislation contains a provision that I authored in this policy area. First, the provision safeguards the FCC's historic authority to allocate frequencies as the public interest is deemed to be best served. Second, it also directs the National Telecommunications Information Agency to develop reports on various policy options to compensate Federal entities for relocation costs when such entities' frequencies are allocated by the commission for unlicensed public safety, shared or noncommercial use.

Finally, I believe that when the Federal Communications Commission does decide to proceed with auctions as a means of granting licenses for use of the public's airwaves the public deserves to reap the benefits of the sale of licenses to its airwaves. These benefits should not only manifest themselves in the offering of new commercial services or the temporary infusion of cash into the Federal Treasury as under current law.

I have proposed in H.R. 1396 that the public should also enjoy the dividends that can be reaped by reinvesting auction money into a Digital Dividends trust fund. This fund would generate interest, and that interest could be used in the form of grants to promote educational technology projects, public safety telecommunications initiatives, software R&D, teacher training, and digitizing for online access the important cultural assets held in our Nation's libraries and museums, among other initiatives.

Investing surplus auction revenues in this manner is a wise investment. It supports the educational infrastructure of our country. It will help to better prepare our citizens for an information-rich, knowledge-based economy. An educated citizenry is indispensable to our democracy. Educating citizens so that they possess the necessary digital skill set that they will need in order to compete in a modern global economy will make us a more secure, more productive country for the generations to come.

Again, I want to thank the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Chairman UPTON), the gentleman from Michigan (Mr. DINGELL), and all of the Members who have helped to construct this very progressive legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I include for the RECORD three statements in support of this legislation: the first by the administration in their statement of administration policy; second, a strong letter of support by the Chamber of Commerce; and, third, a letter of strong support by the CTIA.

STATEMENT OF ADMINISTRATION POLICY

(ThIs statement has been coordinated by OMB with the concerned agencies.)

The Administration strongly supports House passage of H.R. 1320, which would create a spectrum relocation fund. The Administration believes that the fund will serve as

an important spectrum management tool to streamline the process for reimbursing government users, facilitate their relocation to comparable spectrum, and provide greater certainty to auction bidders and incumbents. This legislation will also expedite the opening of spectrum to commercial use for new services and technologies for consumers.

The Administration is pleased that H.R. 1320 closely tracks the Administration's proposal to create a spectrum relocation fund. The Administration urges quick action by the Congress to establish a spectrum relocation fund to make the spectrum management process more effective and efficient.

PAY-AS-YOU-GO SCORING

H.R. 1320 would affect direct spending. The Budget Enforcement Act's pay-as-you-go requirements and discretionary spending caps expired on September 30, 2002. The Administration supports the extension of these budget enforcement mechanisms in a manner that ensures fiscal discipline and is consistent with the President's budget.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, June 10, 2003.

To All Members of the U.S. House of Representatives:

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, urges you to support H.R. 1320, the Commercial Spectrum Enhancement Act. It is expected that the U.S. House of Representatives will consider H.R. 1320 on June 11 or 12, 2003, under suspension of the rules. Furthermore, we urge you to oppose any amendments that would weaken this legislation or divert substantial funds away from the primary purpose of freeing up essential spectrum for commercial usage.

This legislation would clear a major hurdle in the ongoing effort to make available more spectrum for advanced wireless services and applications. The act would establish a mechanism for reimbursing incumbent federal spectrum users for their relocation costs when their spectrum is reallocated for commercial use. The trust fund would ensure the safe and efficient transition of governmental operations from one spectrum location to another, while creating new opportunities for innovation in the wireless sector.

The creation of a spectrum relocation trust fund represents an important step in the difficult process of reforming our nation's spectrum allocation and management policies. We must continue to support these efforts in order to create the necessary incentives for investment and advancement in the technology industry, which will continue to be a key driver of the American economy.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

CELLULAR TELECOMMUNICATIONS
AND INTERNET ASSOCIATION,
Washington, DC, June 11, 2003.

Hon. BILLY TAUZIN,
Chairman, House Energy and Commerce Committee, RHOB, House of Representatives, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, House Energy and Commerce Committee, RHOB, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER: The Cellular Telecommunications & Internet Association (herein, CTIA) offers its unqualified support for the Commercial Spectrum Enhancement Act (H.R 1320). We salute your hard work on this legislation and urge its passage by the House of Representatives. CTIA represents all categories of commercial wireless telecommunications carriers, including cellular and personal communications services, manufacturers and wireless Internet providers.

CTIA and the wireless industry appreciates the efforts of the many members who are cosponsors of H.R. 1320, in particular Telecommunications Subcommittee Chairman Upton and Congressman Towns, the lead sponsors.

Passage of H.R. 1320 would significantly improve spectrum management for both government spectrum users and for the commercial wireless industry. The current process is a ''black hole'' for both government agencies and the private sector—filled with uncertainty, punctuated by unknown costs, and bereft of predictability. The current process works for no one.

President Bush identified that fact in both the Fiscal Year 2003 and 2004 Budgets and called for the legislative changes that are embodied in H.R. 1320. The relocation fund legislation balances three key policy objectives: First, H.R. 1320 fully funds government relocation, providing certainty essential to the Defense Department and all other government incumbents. Second, H.R. 1320 will result in workable timelines for both wireless industry and government incumbents. Third, H.R. 1320 provides certainty and accountability in developing—and adhering to—relocation cost estimates and relocation timetables.

During his March 25 testimony, Deputy Assistant Secretary of Defense for Spectrum, Space, Sensors and C3 Steven Price called for a ''trustworthy Trust Fund.'' We concur, H.R. 1320 provides exactly this solution.

This bi-partisan legislation is a ''win-win-win'' solution, benefiting our national security, our nation's economy and American consumers. CTIA looks forward to continuing to work with you and all members of the Committee to assure that this legislation is soon law.

Sincerely,

STEVEN K. BERRY,
Senior Vice President, Government Affairs.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the powerful Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Telecommunications and the Internet, the gentleman from Michigan (Mr. UPTON); and I want to congratulate him on his hard work and the work product that we debate here on the House floor today.

I particularly also want to congratulate and thank my friend, the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the subcommittee, and my dear friend, the gentleman from Michigan (Mr. DINGELL), the dean of our House and the ranking Democrat on the full committee, for the extraordinary cooperation that has been shown on this and so many pieces of legislation that our Committee on Energy and Commerce brings to the floor in the course of a year.

This is one of those rare occasions where the administration, the Democrats and Republicans are all on the same page. We all agree this is of vital importance to the national economy, to the advancement of important wireless technologies for the good of our consumers in America and for the good of the lead that our Nation has played in world telecommunications technologies and commerce.

This is one area where we can immediately begin to assist the Nation's economy in recovering, where we can immediately begin to do something to advance the cause of third-generation wireless technologies, the video and data links that are going to provide new services, equipment and products, built in America, made by American hands and used by Americans to advance the progress of their lives and their social contact with one another.

This is a good day for America, because we have come together and realized that all the handicaps, all the internecine battles that may have been fought between agencies and those in the private sector who wanted spectrum to begin to develop these new technologies, all of these fights about who is going to pay the relocation costs to get the spectrum made available to have these things happen in our country are now being resolved by this relocation trust fund, a concept that says the trust fund is going to be there to make sure the relocation costs are taken care of so the FCC can move these new and exciting technologies to the forefront so Americans can enjoy them and our economy can grow again.

This is a good day, but I want to point out to Members how without this kind of legislation things go wrong. We passed a bill on this House floor, again with the extraordinary bipartisan support of our friends on the Democratic side of our committee in this House and with the President's support, called E911. E911 is a concept that says when a person makes an emergency 911 call, it would be good to know where they are calling from; and when they are using a mobile telephone it would be certainly extraordinarily helpful if the person who received the 911 call could identify the location of the caller, because often the call is made in times of distress, an accident on the highway, a mugging in a park, a call of distress made by a citizen who is lost or in trouble on the highway and needs assistance, someone who has been seriously injured and cannot get help, cannot leave the automobile.

One of my dearest friends a few years ago was in an automobile accident in the middle of the night. His car got flipped off the road, and he landed in one of those wonderful Louisiana marshes on the side of the road and no one could see him on the highway. He spent the night there, crushed, bleeding, broken, until a garbage truck driver spotted him from the highway the next morning.

He nearly died. He went through incredible, horrible operations that might have been avoided if only E911 were in place, where he could have picked up his mobile phone in that car, called 911, and immediately somebody could have known where he was and an

ambulance could have come to his rescue.

That is what E911 is all about. E911 is literally taking the ''search'' out of ''search and rescue'' and making our mobile systems work much more efficiently so we can, in that first incredible hour where we can save lives and save limbs on the highway, we get to the person who has been injured, who made the call, and we rescue them. In that important 20 minutes when someone's child is being abducted, or a house is being broken into and somebody sees it on the highway and calls from a mobile unit, we can immediately identify that location.

When those kind of things are happening in our society, when we pass a bill to facilitate this kind of technology, and we find out that the funds that are derived from the telecommunications companies to pay for the deployment of this service are being diverted by State and local governments to other purposes, even when 911 is not deployed in our communities, we should get upset.

So today I take this opportunity to congratulate the House on moving forward on this Spectrum Relocation Fund and emphasizing how important it is to get the ball rolling on these new technologies and also call upon our colleagues at the State and local level to stop raiding those E911 funds. They are set up, like this relocation fund, to get that technology deployed.

In the E911 case, it is not just to get a technology that is going to enrich our entertainment values or satisfy our need for information exchanges and mobile services. In E911 it is going to mean somebody's life. It may mean someone you love survives. It may mean my friend would not have had to go through all of those operations and not have had to spend the night broken and wounded in the swamps of Louisiana waiting for rescue. That is how important it is.

So I hope, and I know my friends on the other side agree with me on this, we need to urge our friends at the State and local governments to take a good example from what we are doing on this relocation fund and make sure the funds that have been allocated to deploy E911 are used to deploy E911, not to cover deficit problems at a State or local government or divert it to other purposes.

E911 funds ought to be used to deploy E911. Americans ought to demand it. Any State and local government that is diverting those funds ought to be put on notice today that you are taking a chance on somebody's life when you do not deploy those services.

Here today, this House, this Congress, this government says that if we have government spectrum that we can make available to important uses like this, we are going to set up a relocation fund to make sure nobody touches it.

Mr. Speaker, I want to thank the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, who helped make this suspension day possible for us by helping approve this bill. I want to thank the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), because the appropriators and budget chairmen have surrendered the right to control this money. This money is going to be in this fund to do what it was intended to do. They did the right thing when they approved this legislation.

I want to again thank the Defense Department and the head of our Committee on Armed Services, the gentleman from California (Mr. HUNTER), for working with us, because in so many cases the spectrum we are talking about is now under the control of the Defense Department. That is the spectrum that might make the new generation of wireless services available for Americans.

I want to thank all of them for working with us on this legislation. This is the best example of Democrats and Republicans, of government agencies, of the White House, of everybody agreeing that we can do something good for the American economy, great for telecom resurgence in this country, great for new consumer services, great for all who produce and develop and work for the technology companies that make these incredible products available to us in America and to people all over the world. This is a good day for this House and for this government and for this country, and I urge approval of this legislation.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. TOWNS), the principal cosponsor of this legislation.

Mr. TOWNS. Mr. Speaker, I rise as a cosponsor and strong supporter of the Commercial Spectrum Enhancement Act. H.R. 1320 will allow for deployment of advanced wireless services through relocating federally owned spectrum to commercially designated areas and allowing the carriers to bid on the bands of spectrum currently held by the government. The bill would also allow NTIA and the Department of Defense adequate flexibility to complete the relocation while being held liable for the funds spent by the General Accounting Office.

Another important provision of the bill, Mr. Speaker, deals with the Telecommunications Development Fund, TDF, which was founded as part of the 1996 Telecommunications Act to ensure that entrepreneurs in rural and underserved areas are not left behind by the digital economy.

□ 1045

The language in H.R. 2350 will allow the TDF to extend loans to start up technology and telecom companies in rural and underserved areas without being held to the standards of the Fair Credit Reform Act, which is good. Not only will this be a boon to small business, but it will also spur innovation and investment, both of which are desperately needed in this day and age.

I would like to again thank the gentleman from Louisiana (Chairman TAUZIN), I would like to thank the ranking member, the gentleman from Michigan (Mr. DINGELL), the lead sponsor of the bill, the gentleman from Michigan (Mr. UPTON), chairman of the subcommittee, and the ranking member of the Subcommittee on Telecommunications and the Internet, the gentleman from Massachusetts (Mr. MARKEY).

In addition, I would also like to thank Jesse McCollum from my staff, and Will Nordwind, Howard Waltzman, and Greg Rothschild of the committee staff, for their efforts as well.

I urge my colleagues to vote for this good government bill because it makes a lot of sense and it is something that we should do.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would add to that litany of saints which was just uttered by the gentleman from New York (Mr. TOWNS). I would also like to add the names of David Schooler, who is counsel to the gentleman from Michigan (Mr. DINGELL) and the Democrats on the committee, and to Colin Crowell on my staff, who participated in the drafting of this legislation right from its inception.

During the course of the actual drafting of the bill, his first son Gavin was born, while balancing those two important responsibilities. Both of them have come out extremely well over the last month. I think our country for the future is much brighter because of the work of Colin for our Nation over this past year.

I hope that the other Members of this great Chamber deem fit to pass this important legislation today, which will help us become stronger economically while not undermining the defense of our Nation at all.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this legislation. It is good legislation, a win-win. I look forward to getting it to the President's desk and working with the other body as well to make sure this bill happens.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.R. 1320, and I would like to thank Chairman UPTON, Ranking Member MARKEY, Chairman TAUZIN, and Ranking Member DINGELL, the dean of the House, for the opportunity to work with them on this beneficial legislation, of which I am proud to be an original cosponsor.

I am pleased that our House leadership has moved this bill to the floor in a timely manner. This is good, consensus legislation.

The Commercial Spectrum Enhancement Act is a reasonable, effective effort to allow American consumers to more quickly benefit from the ambitious rollout of wireless technologies that America's wireless industry is planning in the near future.

By freeing up federal spectrum for the market, consumers who are coming to depend on mobile communications will greatly benefit.

Wireless technology increases economic efficiency and productivity, increases convenience and connectivity for individuals and families, and is ready to be a major growth sector of the technology economy.

I would like to point out some key aspects of this bill that make it deserving of support by all in this House. Number 1 is filling national security needs.

This bill has a sustainable and predictable funding mechanism to ensure DOD does not have to cut corners with their communications.

Robust communications are especially critical to our modern military's ability to get its job done, and DOD, and all other federal agencies should be fully, 100 percent compensated for spectrum relocation costs.

Number two is the Congressional oversight of the spectrum auction and relocation process to be led by the Commerce Committee and the GAO.

While the Department of Defense may be the most essential federal agency and one with a great tradition of heroism and honor—waste, fraud, and abuse do occur there. That is no particular criticism of DOD, just the federal government in general.

Mr. Speaker, I urge my colleagues to suspend the rules and pass this consensus legislation.

Mr. DINGELL. Mr. Speaker, I strongly support H.R. 1320, the ''Commercial Spectrum Enhancement Act,'' to ensure that consumers benefit from the tremendous technological advances in commercial wireless services.

I had several concerns when this bill was first introduced, and I commend Chairmen TAUZIN and UPTON for working with me to address my concerns.

It is important that the Committee on Energy and Commerce, whenever it creates a direct funding mechanism to achieve a policy goal, ensure that both the Committee and the congress maintain full and effective oversight abilities. I am comfortable that the substitute before us achieves that goal.

First, it directs that both the Comptroller General and the Energy and Commerce and Appropriations Committees receive reports on the preliminary and final cost estimates for all relocations. The Committees and the General Accounting Office (GAO) will also receive reports on an annual basis regarding adherence to cost estimates and proposed timelines. These materials, taken together, will permit the Congress to closely monitor the spending inclinations of the Department of Defense and other agencies as they relocate to new spectrum.

Also—this is particularly important—if an agency ever exceeds its spending estimates by 10 percent, it has to justify that increase both to the relevant Committees and to the GAO. In addition, the government agency in question is prohibited from spending the additional request for 45 days while the Congress examines the reason for the cost overrun.

Thesxe provisions are not perfect, but they represent a good faith effort on the part of the Energy and Commerce leadership to exercise effective oversight over the relocation process. I am pleased that Chairman TAUZIN, Subcommittee Chairman UPTON, Subcommittee Ranking Member MARKEY and I will be working with the GAO throughout the process to ensure that its work is thorough and its oversight is effective.

Mr. Speaker, I look forward to passing this legislation and to bringing the next generation of wireless services to America's consumers.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) to suspend the rules and pass the bill, H.R. 1320.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

WELFARE REFORM EXTENSION ACT OF 2003

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2350) to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes.

The Clerk read as follows:

H.R. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Welfare Reform Extension Act of 2003''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 3. CONTINUATION OF TANF BLOCK GRANT FUNDING.

(a) STATE FAMILY ASSISTANCE GRANT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and 2002'' and inserting ''2002, and 2003''; and

(2) by striking subparagraphs (B) through (E) and inserting the following:

''(B) STATE FAMILY ASSISTANCE GRANT.—The State family assistance grant payable to a State for a fiscal year shall be the amount that bears the same ratio to the amount specified in subparagraph (C) of this paragraph as the amount required to be paid to the State under this paragraph for fiscal year 2002 (determined without regard to any reduction pursuant to section 409 or 412(a)(1)) bears to the total amount required to be paid under this paragraph for fiscal year 2002 (as so determined).

''(C) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2003 $16,566,542,000 for grants under this paragraph.''.

(b) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking ''2002'' and inserting ''2003''.

(c) BONUS TO REWARD DECREASE IN ILLEGITIMACY RATIO.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''and 2002'' and inserting ''2002, and 2003''; and

(2) in subparagraph (D), by striking ''2002'' and inserting ''2003''.

(d) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in the subparagraph heading, by striking ''of grants for fiscal year 2002'';

(2) in clause (i), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003'';

(3) in clause (ii), by striking ''2002'' and inserting ''2003''; and

(4) in clause (iii), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003''.

(e) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended by striking ''and 2002'' and inserting ''2002, and 2003''.

(2) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''2002'' and inserting ''2003''.

(f) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406(d) (42 U.S.C. 606(d)) is amended by striking ''2002'' and inserting ''2003''.

(g) MAINTENANCE OF EFFORT.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''or 2003'' and inserting ''2003, or 2004''; and

(2) in subparagraph (B)(ii), by striking ''2002'' and inserting ''2003''.

(h) GRANTS TO INDIAN TRIBES.—Paragraphs (1)(A) and (2)(A) of section 412(a) (42 U.S.C. 612(a)(1)(A) and (2)(A)) are each amended by striking ''and 2002'' and inserting ''2002, and 2003''.

(i) CENSUS BUREAU STUDY.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''and 2002'' and inserting ''2002, and 2003''.

SEC. 4. CONTINUATION OF MANDATORY CHILD CARE FUNDING.

Section 418(a)(3)(F) (42 U.S.C. 618(a)(3)(F)) is amended by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003''.

SEC. 5. CONTINUATION OF CHILD WELFARE DEMONSTRATION AUTHORITY.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking ''2002'' and inserting ''2003''.

SEC. 6. CONTINUATION OF ABSTINENCE EDUCATION FUNDING.

Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2003''.

SEC. 7. CONTINUATION OF TRANSITIONAL MEDICAL ASSISTANCE.

(a) IN GENERAL.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking ''2002'' and inserting ''2003''.

(b) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking ''2002'' and inserting ''2003''.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on July 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2350, the Welfare Reform Extension Act of 2003. This legislation is a simple 3-month extension of key parts of the Nation's welfare system.

Since the historic 1996 welfare reform law, nearly 3 million children have been lifted from poverty, record shares of current and former welfare recipients are working, and welfare dependence has been cut in half. Despite the challenges facing our country, these welfare reforms continue to benefit families with children by promoting work by low-income parents.

Unless we act, the authorization for key welfare programs will expire on June 30, 2003. H.R. 2350 will continue current funding for these programs through September 30, 2003. That will provide the Senate more time to consider a broad welfare reauthorization bill along the lines proposed by the President and already passed by the House.

Members will recall that the House passed a broad 5-year welfare reauthorization bill last year. The Senate did not act on that bill before the 107th Congress adjourned. The 2002 House bill was the product of intensive research and evaluation, including more than 20 hearings in the House. Key provisions focused on achieving more work, less poverty, and stronger families.

In February 2003, the House again acted on a full 5-year welfare reform reauthorization bill and approved H.R. 4, an updated version of its 2002 bill. While we have been waiting for consensus on a long-term reauthorization of these programs, the House and Senate have agreed to three separate short-term extensions. Those extensions covered the first, second, and third quarters of the current fiscal year.

The legislation before us today would do more of the same, extending these programs for the fourth quarter of the current fiscal year, or through September 30, 2003. States and families would be on the receiving end if we reach agreement on a long-term reauthorization bill.

The House-passed 5-year reauthorization bill, H.R. 4, encourages even more low-income parents to work while providing more resources to support them. Unfortunately, the improvements included in H.R. 4 will continue to remain on hold while we pass short-term placeholder extensions. For example, H.R. 4 as passed by the House provides at least $2 billion in added child care funds over 5 years, along with more flexibility in spending cash welfare funds on child care and other needs.

So long as we continue to extend our Nation's welfare system on a short-term basis, States cannot take advantage of these additional dollars or improve flexibility. That means low-income families will not see the benefits of the improvements we have proposed for the program. Ultimately, the success of the 1996 law reforms may begin to erode as well.

It is my hope H.R. 2350 will be the final short-term extension we approve, and in the next 3 months we get a comprehensive welfare reform bill to the President's desk for signature.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this 3-month extension of the funding for the Temporary Assistance for Needy Families, or TANF, program. I also support the bill's continuation of funding for a series of programs designed to help people leave welfare for work, including child care assistance and transitional Medicaid coverage. Without this extension, funding for all these vitally important programs would expire at the end of this month.

While this bill is important, it is obviously only a stopgap measure, as the chairman has indicated. Unfortunately, this is the fourth short-term extension we have been forced to pass since last fall. Rather than continuously enacting these temporary measures, we should be sitting down to figure out how to craft a good 5-year reauthorization for the TANF program.

I appreciate my chairman's hope that this will be the last of our extensions. I can tell my chairman, the best way to make sure that this will be the last of these short-term extensions is for us to get together, Democrats and Republicans, with Members of the other body and the administration, and work out a true bipartisan compromise on a reauthorization that will help America's families.

But regrettably, the Republican leadership of this House has precluded such discussions by literally ramming through a TANF reauthorization without any hearings and without any opportunity this year for us to work our will, so once again we are stuck without a long-term commitment to many of our Nation's most important antipoverty programs.

My friends on the other side of the aisle may be tempted to blame the other body, but let me tell the Members, I think it has been our actions, not theirs, that have stalled the opportunity to enact a comprehensive 5-year reauthorization bill. President Bush did send to Congress a rigid, Washington-knows-best welfare plan that was criticized by Governors, mayors, welfare administrators, poverty experts, and religious leaders. It focused on make-work instead of real jobs for welfare recipients, and it replaced State flexibility with unfunded mandates.

Mr. Speaker, on Monday three dozen religious leaders sent a letter to President Bush echoing these concerns. Let me quote a little from that letter. These were religious leaders, some of whom helped the administration in crafting its policy.

''Poor people are suffering; and our faith-based service providers see it every day in communities across the country . . . We believe that the budget your administration has put forward fails to protect and promote the well-being of our poorest and most vulnerable citizens. The tax cut passed by Congress with your support provides virtually no help for those at the bottom of the economic ladder, while those at the top reap windfalls.''

The letter goes on to say:

''Pro-family commitments to invest in adequate child care, education, and training for our poorest families have fallen short in your administration's proposals. The most effective and bipartisan public policies for reducing poverty have not been adequately supported by your administration.''

This letter from religious leaders concludes by suggesting, ''many are feeling betrayed'' by the disconnect between the President's words and the actions on poverty-related issues.

Mr. Speaker, I include for the RECORD a copy of this letter.

The letter referred to is as follows:

CALL TO RENEWAL,
Washington, DC, June 9, 2003.

DEAR MR. PRESIDENT: We are all leaders in the faith community, whose churches and faith-based organizations are on the front lines of fighting poverty. Many of us have supported your faith-based initiative from the beginning of the administration. Several of us have met with you to discuss the churches' role in overcoming poverty and have offered solid support to our friends, John Dilulio and Jim Towey, who have led your Office of Faith Based and Community Initiatives. But while we have consistently backed faith-based approaches to poverty reduction, we have also insisted they must be accompanied by policies that really do assist low-income families and children as they seek self-sufficiency.

Mr. President, it is a critical time for poor people in America. Poor people are suffering; and our faith-based service providers see it every day in communities across the country. The poor are suffering because of a weakening economy. The poor are suffering because of resources being diverted to war and homeland security. And the poor are suffering because of lack of attention in national public policy.

We are writing because of our deep moral concern about consistency in your administration's support for effective policies that help alleviate poverty. We believe a lack of focus on the poor in the critical areas of budget priorities and tax policy is creating a crisis for low-income people. We believe the budget your administration has put forward fails to protect and promote the well being of our poorest and most vulnerable citizens. The tax cut just passed by the Congress with your support provides virtually no help for those at the bottom of the economic ladder, while those at the top reap windfalls. The resulting spending cuts, at both federal and state levels, in the critical areas of health care, education, and social services, will fall heaviest on the poor. Budgets are moral documents.

You have taken many positive steps with regard to international aid and development, such as the HIV/AIDS initiative, and we would like to see that compassion manifest here at home. In significant social programs, like welfare reform, we have supported the proposals of your administration to strengthen marriage and family as effective antipoverty measures; but the companion pro-family commitments to invest in adequate child care, education, and training for our poorest families have fallen short in your administration's proposals. The most effective and bipartisan public policies for reducing poverty have not been adequately supported by your administration.

Over the past several years, we have advocated several policy initiatives in addition to the ''faith-based initiative'' that would help low-income people in this country. These include TANF reauthorization that makes poverty reduction a priority, targeted tax relief for low-income families, and funding for proven programs that would effectively reduce poverty. We believe administration support for such policies would be consistent with your stated commitment of being compassionate toward the poor, especially since you have spoken more about issues of poverty than many of your predecessors.

We recall your Notre Dame address two years ago, where you pointed out: ''Government has an important role. It will never be replaced by charities. . . . Yet, government must also do more to take the side of charities and community healers, and support their work. . . . Government must be active enough to fund services for the poor—and humble enough to let good people in local communities provide those services.''

Mr. President, ''the good people'' who provide such services are feeling overwhelmed by increasing need and diminishing resources. And many are feeling betrayed. The lack of a consistent, coherent, and integrated domestic policy that benefits low-income people makes our continued support for your faith-based initiative increasingly untenable. Mr. President, the poor are suffering, and without serious changes in the policies of your administration, they will suffer even more.

When you announced the faith-based initiative, you pledged that: ''I want to ensure that faith-based and community groups will always have a place at the table in our deliberations.'' Mr. President, it's time to bring faith-based organizations to the table where policy decisions are being made. We are concerned that the needs of poor people in America seem to have little influence in the critical policy decisions your administration is making. The faith-based-initiative seems to be the only place in your administration where poverty is prioritized, yet we know that faith-based initiatives alone will never be sufficient to solve the problems of poverty. As we have discussed with you the faith-based initiative, we now want to engage your administration in a serious conversation about domestic social policy. Mr. President, it's time to talk.

Sincerely,

Rev, Jim Wallis, Convener and President, Call to Renewal.

David Beckmann, President, Bread for the World.

Rev. Peter Borgdorff, Executive Director of Ministries, Christian Reformed Church.

Lt. Col. Paul Bollwahn, National Social Services Secretary, The Salvation Army.

J. Daryl Byler, Director, Washington Office, Mennonite Central Committee.

Bart Campolo, President, Mission Year.

Tony Campolo, President, Evangelical Association for Promotion of Education.

Rt. Rev. John Bryson Chane, Bishop, Episcopal Diocese of Washington, DC.

Rt. Rev. Steven Charleston, President and Dean, Episcopal Divinity School.

Dave Donaldson, President, We Care America.

Rev. Dr. Robert Edgar, General Secretary, National Council of Churches in the USA.

Dr. Robert M. Franklin, Presidential Distinguished Professor, Candler School of Theology, Emory University.

Wayne Gordon, President, Christian Community Development Association.

Rev. Wes Granberg-Michaelson, General Secretary, Reformed Church in America.

Rev. Dr. Richard Hamm, General Minister & President, Christian Church—Disciples of Christ in the US and Canada.

Rev. Mark Hanson, Presiding Bishop, Evangelical Lutheran Church in America.

Bishop Thomas L. Hoyt, Jr., Presiding Bishop, Fourth District, Christian Methodist Episcopal Church, President-elect, National Council of Churches in the USA.

David G. Hunt, President, American Baptist Churches USA.

Hyepin Im, President, Korean Churches for Community Development.

William ''Bud'' Ipema, Vice-President, Council of Leadership Foundations.

Rev. Alvin Jackson, National City Christian Church, Moderator, Christian Church-Disciples of Christ in the US and Canada.

Rev. Ted Keating, SM, Executive Director, Conference of Major Superiors of Men.

Rev. Cliffton Kirkpatrick, Stated Clerk, Presbyterian Church USA.

Rt. Rev. Mark MacDonald, Bishop, Episcopal Diocese of Alaska.

Bishop Felton Edwin May, Presiding Bishop, Baltimore-Washington Conference, United Methodist Church.

Rev. Dr. A. Roy Medley, General Secretary, American Baptist Churches USA.

Gordon Murphy, Executive Director, Christian Community Development Association.

Rev. Glenn R. Palmberg, President, Evangelical Covenant Church.

Bishop Donald A. Ott, Coordinator, United Methodist Council of Bishops Initiative on Children and Poverty.

Carole Shinnick, SSND, Executive Director, Leadership Conference of Women Religious.

Ron J. Sider, President, Evangelicals for Social Action.

Rev. John H. Thomas, General Minister and President, United Church of Christ.

Joe Volk, Executive Secretary, Friends Committee on National Legislation.

Jim Winkler, General Secretary, General Board of Church and Society, United Methodist Church.

Mr. Speaker, let me also point out to my colleagues a book that was recently released by Elizabeth Sawhill as the editor called ''One Percent for Kids. I mention that because the gentlewoman from Connecticut (Mrs. JOHNSON) and I participated on a panel at Brookings on this particular subject.

I want to just emphasize one point that was pointed out in the beginning of this book. At the present time, our Nation is spending 2 percent of its gross domestic product on programs for children. We are spending 2½ percent of our gross domestic product on servicing the national debt.

My chairman mentioned the fact that the TANF reauthorization bill that passed this body would increase the potential for funding for the poverty programs in this country by $2 billion. I might point out that only $1 billion was assured. The second billion was authorization. We are increasing the national debt this year by $400 billion in order to give tax cuts basically to wealthy people. To service that additional debt, it will cost somewhere between $12 billion and $14 billion in next year's budget alone.

□ 1100

So, yes, we are very generous on the tax cuts and on saddling taxpayers with interest on the national debt. But when it comes to America's future, when it comes to investing in our children for their future, we seem to have a deaf ear. One percent for kids could really help stimulate our economy and grow our economy.

Mr. Speaker, let me make it clear, speaking for my colleagues on this side of the aisle, we are ready today to sit down with our colleagues on the Republican side to work out a TANF reauthorization 5-year bill that will provide predictability, flexibility, and resources to our States to continue the job that they started 6 years ago when we reformed the welfare system in a bipartisan way. Let us continue that effort. Let us make the tools available. Let us not just try to ram through a bill that the experts tell us will not be in the best interests of our children.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Ways and Means who is a very active member of the Subcommittee on Human Resources.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the 1996 welfare reform bill expired about a year ago, and since then this Congress has passed a series of short-term extensions.

I will vote for this extension, but it is a sad reflection on this House and its majority, and on the majority in terms of the Senate, and surely on the administration that we have failed to renew and to really expand the basic principles of welfare reform that so many of us worked to enact.

The House Republican leaders rammed through a rewrite of welfare reform some months ago. It was not a continuation, but really a step backward. It was passed on a partisan vote. There was no effort in this House to create a bipartisan welfare bill. In 1996 we passed one on a bipartisan basis, but this time around there was no effort to continue that tradition. The bill that was pushed through this House also ran counter to the research that we helped to fund and the views of Governors.

In a survey that was conducted by the National Governors Association, over 40 State welfare directors said this, that the Bush administration plan would force ''fundamental changes'' in their successful welfare programs. And the researcher who did most of the research on welfare-to-work strategies said that the Bush administration plan would force ''the most successful programs to change substantially.''

So we lost, as the gentleman from Maryland (Mr. CARDIN) has said, a chance some months ago to work on a bipartisan basis in this House. And there are key differences between the approach that was embodied in the bill that passed here and what Democrats have proposed.

The first basic difference is whether people should be, who are on welfare and remain there, should be working or whether we should help people move off

of welfare into work. And we Democrats say that should be the key objective of welfare reform, helping people move off of welfare into work; and that was in the proposal that the gentleman from Maryland (Mr. CARDIN) and others of us put together.

A second difference is whether the emphasis should be on people working in poverty or people working their way out of poverty, and the Democratic plan emphasized people working their way out of poverty.

A third difference related to the issue of work supports. In 1996, the first welfare reform bill was vetoed by President Clinton because there were inadequate day care money and inadequate health care provisions. And then the majority here came back and finally agreed to adequate health care and adequate day care. But in the bill that passed here some months ago, there were inadequacies in terms of health care provisions and also in terms of day care provisions.

So here we are again. We are suggesting a quarterly extension. We cannot allow this legislation that was passed almost 7 years ago now to simply die. We have to continue the process. We owe it to this country. We owe it to the families who are trying to work their way off of welfare into work. But we need to do better. As the gentleman from Maryland (Mr. CARDIN) said to the chairman of the subcommittee, and really to the chairman of the committee, and really to this whole House, let us go back and try to put together a bipartisan product. Welfare reform deserves more than a partisan approach.

So that is really the basic issue before us today. We will pass the extension. I urge everybody to vote for it. But I do not think that it should be an excuse for further inaction by the majority in this House.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to remind everyone that what we are renewing is an updated legislation that we had some 20 hearings on in the last Congress. It is legislation that is updating probably the most successful social welfare reform in our Nation's history. More than 50 percent of those who have been on welfare are now out being productive. Child poverty levels are at the lowest in history. Again, what we need to do is extend this for the 3 months so that we can get agreement in the Senate so we can move forward with this updated legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the committee and subcommittee.

Mr. ENGLISH. Mr. Speaker, I would like to thank the gentleman for yielding me time.

Mr. Speaker, I particularly welcome the opportunity to come to the floor and invite my colleagues to support this extension on a bipartisan basis. I will talk more on this in a moment; but too often we have seen partisanship, as the gentleman pointed out, but not with the examples that he had cited. We have seen partisanship creep into the debate on welfare reform, and I think it has detracted from the seriousness of the endeavor.

As the chairman of the subcommittee noted, this has been, if not one of the greatest social reforms of the 20th century, certainly the most successful social reform of the last 20 years of the last century. We were successful in overhauling a failed welfare system. And as a result, some 3 million children have risen out of poverty since the bill that we had passed and we developed in the subcommittee, and I was there in 1996, and was signed into law by the last administration.

According to the U.S. Department of Agriculture, the number of American children experiencing hunger has plummeted to half the number in 1995. Now, the economy was growing during this period; but we also have to recognize that at different times when the economy was growing in the past, the welfare rolls had also been growing. During this period, the welfare rolls were literally cut in half. In all, 3.5 million fewer Americans lived their lives in poverty than in 1995.

The results of welfare reform are hard to argue with, although some on the left are continuing to try to make that argument.

While this success is inspiring, we recognize that more work needs to be done and further changes need to be made, which were embodied in the bill that we passed last year. May I say we need to recognize that some of the things that were included in the bill that we passed earlier this year, which was a replication of what had passed in the earlier Congress to fully reauthorize this program, including initiatives like full-check sanction, a very important reform that makes very clear if you do not follow the rules, you do not get your welfare benefits.

Some 2 million recipients now remain dependent upon welfare assistance and many still do not participate in work or training programs. In response, we have passed in our reauthorization, a boost of tough work requirements and reinvigorated work incentives for State and welfare recipients. Stronger welfare reform means less dependence and more economic independence for poor people in America. Perhaps more importantly, strengthening welfare reform means fewer American children will be living in poverty.

However, some opponents of welfare reform, as we have seen, have sought to turn back the clock by running out the clock on this reauthorization. We saw that in the Senate in the last Congress; and, unfortunately, in this Congress the Senate has not taken up the bill in as timely a fashion as we would like. Hence, we are with this bill today.

I believe that there are opponents of this effective social policy that are trying to filibuster our attempts to fight poverty. I urge the Senate to end this obstructionism and work with us to enact a strengthened TANF program.

I am hopeful that this bill will pass today; but having heard some of the remarks earlier on the floor, I also want to take a moment to clarify the record. Yes, the bill that passed in 1996 passed finally with bipartisan support. But in its earlier forms it had been consistently opposed by the minority. The record shows very clearly the broad outline of what we had proposed and was signed into law was present in the earlier versions of the bill, but it was opposed by the Clinton administration and opposed by many on the minority side. We had sought bipartisanship in that markup in 1996 just as we had sought bipartisanship last year and this year. But bipartisanship requires both parties to engage. We also have shown on our side, in the majority, a strong and consistent commitment to day care, whereas, we were faulted by some for not adequately funding day care. In fact, in 1996 we put twice as much funding, substantially more funding for day care than the Clinton administration had originally proposed. So that has always been a red herring.

What we have done is give the States adequate resources to meet the needs of poor people; and as they brought more and more off the rolls, they have been extraordinarily successful in meeting those needs.

We need to continue that work and continue this bill by passing this reauthorization.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me just comment briefly on my friend's, the gentleman from Pennsylvania's (Mr. ENGLISH), revisionist history.

The original welfare reform bill was signed by President Clinton. He held out his final support because it was moving through Congress without the child care provisions that my friend from Pennsylvania is now taking credit for or the health provisions.

Let me also point out, if I might, Mr. Speaker, that a lot has happened in the last year. We have had no hearings on this legislation in this Congress. Yet we have extended unemployment insurance. We have seen a deterioration in our economy. We have seen our States strapped with some of the highest budget deficits in their history. And yet on the most important anti-poverty program in our Nation, we have not had one hearing or one opportunity to deal with the bill on this reauthorization act. That is not bipartisanship, and that is not an open process.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland (Mr. CARDIN) for yielding me time. I thank him for his leadership on this issue in the Committee on Ways and Means.

Let me acknowledge to the chairman of this committee that I stand in support of the extension of the temporary assistance for needy families block grant reauthorization. But I think it is important to put a face on this question. And my good friend from Maryland (Mr. CARDIN) made a very good point. We have a troubled economy, almost a crumbling economy. And, frankly, it is imperative, it is almost urgent, it is a crisis that we have hearings on this particular legislation, the idea of welfare reauthorization, because people are hurting.

The history of this legislation was aptly pointed out that, in fact, as more people moved from welfare to work in the mid-1990s, it was because the economy was percolating. Under President Clinton's administration and the 1997 Budget Act, jobs increased and opportunities increased for those welfare recipients moving off of welfare; as I heard the chairman mention, more work, stronger families and less poverty.

Today we have the complete opposite: a deficit that is blossoming, booming and imploding; unemployment at 6.1 percent; constituents in my district begging for work but without the opportunity for work. Just last weekend in visiting with my constituents, a single mother with three children, working every day, begged me for increased child care assistance.

□ 1115

The reason why that bill passed in the mid-1990s that President Clinton signed is because he held out for child care and health assistance. What do we have now? We have the complete opposite. We have poverty growing deeper, more people in poverty and needing welfare, and no response from this Congress.

Yet the Democratic approach, which we are prepared to sit down and negotiate, involves more welfare recipients getting real jobs coming out of poverty, not make-work jobs, State flexibility to help welfare recipients move into employment, even in the backdrop of these terrible economic conditions. We need more education training, which the Democratic bill has, which we have not been able to get to the table and discuss and negotiate in a bipartisan way, and then of course the whole issue of child care services.

Mr. Speaker, we have another crisis because in fact as we extend this legislation but yet not have the real hearings that we need to have, we are still fighting to get the child tax credit bill on the floor of the House. We ARE still fighting to get the Republican leadership of this House to understand that people are living in a crisis, and those making $10,000 to $26,000 a year are begging us to pass the Senate bill which gives an additional $154 on average per child to hardworking low-income families, up to 12 million families.

The new tax law provides each of America's 190,000 families, meaning the bill passed by the Republicans, a $550 billion tax cut, an average of $93,500. So here we are, extending a welfare bill without real hearings to be able to assist us in getting a real welfare reform bill, and yet we cannot get the child tax credit bill, the refund bill, the free-standing Senate bill which has been passed by the Senate to aid 12 million families, we cannot get it on the floor of the House.

What we are hearing are rumors about a kitchen sink full of unnecessary additions to the tax bill that will do nothing but throw it into conference and delay this refund to needy working families in America. I hope as we extend and vote to extend this particular bill, we do it on behalf of those families who made a change in their life and those attempting to make a change, but we cannot really help America's working families unless we sit down in a bipartisan way and work on the Democratic approach and come together on a bill that truly puts tools and skills in the hands of those who want to move from welfare to work.

Finally, Mr. Speaker, we are shamed if we continue to pay 190,000 rich families in America $93,000, and we cannot afford to give working families on average $154. Let us vote for the Senate bill on the tax question and reextend this legislation.

Mr. Speaker, I rise in support of H.R. 2350, a bill to reauthorize the Temporary Assistance for Needy Families (TANF) block grant program. TANF is an important program for millions of needy families and it is right that we support the extension in funding that this bill provides.

While I support this bill, I agree with my Democratic colleagues who have said that this three month extension is only the beginning of what we must do to provide for the needy. I also agree with my colleagues that we need to bring to the floor and pass a bill to extend the child credit to more than 6 million families that were excluded from the legislation that the President recently signed. Extending the child tax credit will do much to aid low-income families in this country. As such, passing the child tax credit bill should be the next order of business by this body.

Mr. Speaker, in 1996, the House passed "The Personal Responsibility and Work Opportunity Reconciliation Act." The act was a far-reaching welfare reform plan that dramatically changed the nation's welfare system. The primary change is that welfare recipients are now required to work in exchange for the time-limited assistance that they receive.

As part of that bill, the Temporary Assistance for Needy Families program replaces the Aid to Families with Dependent Children (AFDC) and Job Opportunities and Basic Skills Training (JOBS) programs. Under TANF, States and territories operate programs, and tribes have the option to run their own programs. States, territories, and tribes each receive a block grant allocation with a requirement on States to maintain historical levels of State spending known as maintenance of effort. Moreover, the Personal Responsibility and Work Opportunity Reconciliation Act empowers States with the flexibility to design their TANF programs.

Under TANF, recipients must work after two years of receiving assistance. With the county's current economic standing being so poor, it is difficult to find employment not only for TANF recipients but also for most unemployed people who are looking for work. To count toward State work requirements, recipients are required to participate in unsubsidized or subsidized employment, on-the-job training, community service, 12 months of vocational training, or they must provide child care services to individuals who are participating in community service. In this House, we know that budgets for subsidized employment programs have been cut, funds for vocational training are being slashed, and education programs are being decreased on the State and Federal level. The diminution of those employment and education programs only hurts TANF recipients and other low-income families.

Mr. Speaker, there is a five-year time limit for families who receive TANF. In other words, after receiving five years of assistance over a lifetime, recipients are ineligible for cash aid. If we do not do what is needed to get this economy moving and to create jobs for the unemployed, there will be many families bumping up against the cutoff time for their TANF benefits.

In closing, I will support this bill for the good of my constituents. I call upon the other members of this body to support this bill and to support the child tax credit for low-income families immediately. Finally, I call upon my colleagues on the other side of the aisle to stop the attack against working families and to support positive initiatives to help improve the lives of American families.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to remind the other side how successful this legislation has been since 1996. Child poverty has fallen sharply. Nearly 3 million children have been lifted from poverty. The black child poverty rate is now at a record low. More parents are working. Employment by mothers most likely to go on welfare rose by 40 percent from 1995 to 2000. Dependence fell by unprecedented levels. Welfare caseloads fell by 9 million, from 14 million recipients in 1994 to just 5 million today.

Again, this is legislation that has been updated this year that we had some 20 hearings on in the last Congress and which passed earlier this year; and I might mention also that we provide an additional $2 billion in added child care funds in our legislation which hopefully will be renewed here in 3 months. We provide the States with more State flexibility in spending cash welfare funds, we focus more on promoting healthy marriage and child well-being, and we encourage more work, higher incomes, and less welfare dependence.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just in response to our friend from California, point out if the gentleman has so much confidence in current law in the results that have just been spelled out, I am

curious as to why the bill that passed the House that is now being promoted, why over 40 of our welfare administrators in our various States have said it will cause a fundamental change in their welfare system, it would cause them to shift their local priorities to federally mandated priorities where our own scorekeepers have indicated that there are additional mandates to the States far beyond the dollars made available, far beyond the $2 billion, if in fact $2 billion is made available, our States would be required to conform to new mandates. If we believe that the current law has been so successful, why are we now taking away the ability of States to set their own priorities?

Mr. Speaker, I am going to ask my colleagues to do two things. First, I ask my colleagues to support the 3-month extension. It is the responsible thing to do. We need to approve this legislation.

Second, I am going to ask, let us all step back for a moment and take a deep breath and take a look at the issues and the families that are affected, listen to our Governors who have the principal responsibility, analyze the GAO report which indicates that most of our States have had to cut back on child care money because of their fiscal problems.

In my own State of Maryland, they are taking no new enrollments in child care unless you are on welfare. Think of this message: If you want safe, affordable child care, go on welfare. That is the wrong message. Let us talk together, let us listen to each other and let us come up with a bipartisan bill that we can be proud of, that can pass both this body and the other body and be signed by the President; and, most importantly, will help our States in their efforts not only to get people out of welfare, but to get American families out of poverty.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me remind the gentleman from Maryland (Mr. CARDIN) that just in the last 2 weeks we passed legislation which was signed by the President which gives to the States an additional $20 billion in State aid. The States also have some $6 billion in Temporary Aid to Needy Families or TANF surplus that is available to them. We also transferred some $3 billion of surplus that they have available. We also have $6 billion of unemployment that they have in surplus available.

The gentleman asked if the legislation is so successful, why would we want to make changes; child poverty has fallen, more parents are working, dependence fell by unprecedented levels. But the fact is there is still more that needs to be done. There is still 58 percent of recipients who are not working or trained. There are too many families that are breaking up, who never formed, that this legislation will address, and there are some 2 million families that remain dependent on welfare. And that is why even though this legislation has been so incredibly successful, we still have more to do.

With that, I would urge the body to support this legislation, this extending of 3 months. I urge an ''aye'' vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2350.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 265 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 265 is a structured rule providing for the consideration of 2115, the Flight 100 Century of Aviation Reauthorization Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides ample opportunity to discuss this important reauthorization before us today.

H.R. 2115 is a bipartisan bill introduced by the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) as well as the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO). This reauthorization of the Federal Aviation Administration, appropriately titled for the 100th anniversary of powered flight, continues a tradition of funding the promotion of safety in our skies.

Mr. Speaker, I would like to highlight some of the important provisions in the underlying legislation.

First, this legislation reauthorizes the FAA at $3.4 billion next year raising $200 million in the year after that. The FAA, nearly 45 years after it was created, takes an ever-present role as we take important steps to ensure America's security. The FAA is primarily responsible for the safety of our Nation's skies through activities ranging from the continued monitoring by air traffic controllers to the development of new air space technologies.

Within my district is Miami International Airport, which I have the privilege to represent, and is consistently one of the Nation's busiest for

both international and domestic travel. I am impressed by the level of public-private cooperation between organizations such as the FAA and Miami International Airport.

Mr. Speaker, following the tragedy of September 11, 2001, our Nation's airports and airlines were forced to deal with the ever-growing and obvious problem of security. I believe that this bill contributes to this endeavor while ensuring that those affected by these horrible acts are helped.

□ 1130

Mr. Speaker, H.R. 2115 provides for an extension of war risk insurance for both international and domestic flights while ensuring that this important insurance is extended to manufacturers and airline vendors through the Department of Transportation.

This Congress was quick to assist airlines following September 11, and rightfully so. The economic benefits from the movements of people and goods that airlines provide, I think, demanded our attention. I think we also have to consider that smaller aircraft that were restricted for months following September 11 would also need attention of the Congress. Congress, I think, should act, and I think it will through this underlying legislation to help general aviation return to some stability by providing compensation for the hardships on their businesses. The bill authorizes $100 million for these general aviators that were also greatly affected by increased security requirements.

H.R. 2115 is a good piece of legislation, Mr. Speaker. It is important to the continued needs of the FAA, obviously, and to the flying public. The underlying legislation was reported favorably out of the committee by voice vote.

I take this opportunity to thank the gentleman from Alaska (Mr. YOUNG), the chairman, for his great leadership on this issue, as well as the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member.

Due to the importance of the FAA's role in the security of the United States, as well as in the economic well-being of the United States, I urge my colleagues to support both the rule and the underlying legislation. I think it is important that we move forward and reauthorize the FAA, and we are doing that today.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, today we consider the bipartisan FAA reauthorization bill. The gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) in the best tradition of the Committee on Transportation and Infrastructure worked long and hard to produce a sensible bipartisan bill, and they should be commended.

I also want to thank the Committee on Transportation and Infrastructure for including an important provision that will benefit smaller airports like the one I represent in Worcester, Massachusetts.

This provision will allow airports like Worcester, known as primary airports, to continue to receive Air Improvement Program Entitlement Funding, or AIP, for fiscal years 2004 and 2005 based on prior year emplanement levels. It specifically grants the Secretary of Transportation the authority to maintain current AIP funding levels for primary airports based on a discrete set of criteria related to the dramatic reduction in commercial air service since September 11.

AIP entitlement is a critical source and oftentimes the only source of funding for capital improvements at these airports. These airports rely on AIP funding to make a number of upgrades which now also include necessary, but costly, safety enhancements. In Worcester's case, this bill could mean the difference between receiving more than $1 million a year annually or $150,000.

This is an important provision, and I thank the Committee on Transportation and Infrastructure for its inclusion.

If only the Committee on Rules and the leadership of this House could act in a bipartisan way, because although I support the FAA bill, for the life of me I cannot figure out why the Republicans will not let us consider the child tax credit.

For a second straight week, the leadership is playing a nasty game with millions of hardworking American families. Two weeks ago, the President, Vice President, and the Republican leaders deliberately left 12 million families, including hundreds of thousands of military families, out in the cold by deleting the child tax credit extension from the recently passed tax cut.

We just fought a war in Iraq; we still have soldiers fighting in Afghanistan. And instead of a warm thank you, the Republican leadership gives our troops the cold shoulder. The average base pay of a serviceman in Iraq is about $16,000; but according to the Republicans, that soldier's family does not need any tax relief because they are not subject to Federal income tax.

This is wrong. These families work hard and they pay taxes. They pay sales taxes and payroll taxes and State taxes and local taxes and property taxes, most of which are going up because of the policies of this administration; but according to the Republican leadership, giving them a small tax credit would be welfare. How insulting.

My colleagues want to talk about welfare, well, let us do that. Enron paid no income taxes at all in 4 of the past 5 years, despite $1.8 billion in profits. Enron's taxes over 5 years were a negative $381 million, and its corporate tax welfare totaled $1 billion.

WorldCom paid no taxes at all in 2 of the last 3 years, despite $15.2 billion in profits before going bankrupt. WorldCom's total tax rate over the 3 years was only 1.6 percent. Corporate tax welfare slashed WorldCom's tax bill by $5.3 billion over the past 5 years.

All the while these corporations are not paying taxes, other companies are relocating to the Caribbean to avoid paying them altogether.

These corporate robber barons have saved billions and billions of dollars through loopholes supported by the Republican majority, and yet those same Republicans say that providing a hardworking American family a few hundred extra dollars is bad policy.

The Republican policies are crystal clear, Mr. Speaker; and they are wrong.

Last week, in this Chamber, the gentleman from Maryland (Mr. HOYER), the distinguished minority whip, challenged the Republicans to defend their actions. Their response? Dead silence. Yesterday, President Bush and his staff, at long last bowing to public demand, implored House Republicans to take up and pass the child tax credit passed by an overwhelming bipartisan vote in the other body. That bill is targeted, it is sensible, and very importantly, it is paid for by other offsets.

But the gentleman from Texas (Mr. DELAY), the majority leader, still refuses to bring this bill to the floor. Last week, the majority leader said there are more important priorities than tax relief for low- and middle-income families, and yesterday he brushed aside the White House request.

Instead, they are playing a game, pushing a much larger tax cut that will cost over $80 billion. They are betting that the other body will engage in a long, protracted debate over the House proposal because they know that the other body will not pass an $80 billion tax cut that is not paid for, and they are hoping that the whole issue will just go away.

Mr. Speaker, it will not go away because, as we have said over and over, we will not let it go away up till the Republican leadership in this House does the right thing and fixes the mistake that they made when they removed the child tax credit for millions of low-income and middle-income families.

So I say to the Republican leadership, are you really that cynical, are you really so consumed by the thrill of your own power that you refuse to do the right thing? Why can you not simply admit that it was wrong to drop these hardworking, tax-paying families from the tax bill and fix your mistake?

The answer may lie in an article in today's Washington Post. According to the article, the administration had no intention ever of implementing the child tax credit as approved by the other body. Treasury officials assumed

in May, weeks before the House and Senate met to work out the differences in the two tax bills, that the child tax credit would not become law; and now the White House claims to support it.

I insert this article in the RECORD at this point.

[From the Washington Post, June 11, 2003]

HOUSE GOP RESPONDS TO SENATE CHILD CREDIT BILL

$82 BILLION PLAN OFFERS BREAKS FOR MILITARY FAMILIES

(By Juliet Eiperin)

For the second time in two weeks, House leaders are pushing a sizable tax cut bill, seizing the debate over expanded credits for parents of minor children to propose several new, unrelated tax cuts.

House Republicans yesterday unveiled their $82 billion plan, which features tax breaks for military families (and for the estates of astronauts who die on space shuttle missions). The proposal sets up a likely fight with the Senate, which approved a more modest tax cut package last week.

For several days, Republicans have been trying to quell protests over the fact that the tax cut enacted last month excluded 6.5 million poor families from receiving a credit of as much as $1,000 per child. The Senate reacted swiftly, passing a $10 billion bill last week that would give the expanded child credit (now $600) to families making from $10,500 to $26,625 a year.

House Republicans rejected that approach yesterday, saying they wanted a broader bill that would extend the child credit and other tax breaks through 2010.

''We've not in the business of politics, but rather in policy,'' said Ways and Means Chairman Bill Thomas (R–Calif.), noting that the expanded child tax credit phases out in 2005 under the existing law. ''If these people need help between now and the election [of 2004], they need it for the rest of the decade.''

House Majority Leader Tom DeLay (R–Tex.) told reporters yesterday that passing a bill dealing only with the child credit ''ain't going to happen,'' because GOP leaders prefer a broader package that ''provides tax relief, creates jobs and [helps] the economy grow.''

The House proposal would provide a $1,000 per-child credit for families from Jan. 1, 2003, through 2010. The credit now begins to phase out when married couples make $110,000 or more. House GOP leaders would raise start of the phaseout to $150,000.

Their plan also would help military families, giving them a tax break on home sales, death benefits and dependent-care assistance. It would suspend the tax-exempt status of designated terrorist organizations and provide income and estate tax relief for astronauts who die on space shuttle missions, including those in the Columbia disaster.

The House is poised to pass the plan Thursday. Its prospects in a conference with the Senate are unclear. The Senate bill's costs are offset by higher Customs Service fees, adding nothing to the deficit. The House plan includes no such offsets, which could cause problems with Senate Democrats and some moderate Republicans.

''I philosophically support the House Ways and Means Committee proposal, ''Senate Finance Committee Chairman Charles E. Grassley (R–Iowa) said yesterday, but ''I don't know if there are enough Senate votes to pass it.''

Treasury officials informed Senate aides yesterday that the government will not be able to mail child credit checks to low-income families for 8 to 10 weeks. Administration officials assumed in May that the Senate child credit proposals would not become law, according to a Senate Democratic aide who met with Treasury officials.

The American people are smart. They can see through all the politics. They want Congress to fix the child tax credit, and they deserve action.

Mr. Speaker, the other body has already acted. We can solve this problem by taking up the bill right now. With quick action, we can send this bill to the President; and he can keep his word and sign it by the end of this week.

That is why, at the end of this debate on the rule, I will ask my colleagues to vote ''no'' on the previous question, and should the previous question be defeated, I will bring up the Senate-passed child tax credit so we can send it to the President immediately.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this bill may be fine, but we need to defeat this question on the rule to get to the business at hand, because the business at hand is we want to free the goodly number of Republicans who want to vote for a child care tax credit, but who are under the tyranny of a Republican leadership who will not let them do it. We need to free those 228 Republicans to exercise some of their conscience because I believe there is a goodly number of them who realize why we are right; and we are right because it is indefensible to have decided to give these tax breaks to the wealthy and deny it to families as a child tax credit.

It is indefensible, and if my colleagues want to know why there has been such silence from this side of the aisle defending this, it is because they do not want to defend the indefensible. It is not because of massive laryngitis on this side of the aisle. If my colleagues want to know why there have been so few coming to this Chamber to try to excuse this, it is because they do not want to try to excuse the inexcusable.

I believe we should defeat this rule and go to the business at hand, and we should have a goodly number of Republicans join us to do it; and here is why I think this is possible. It is possible because there are a fair number of Republicans who share two basic values with the Democrats on this side of the aisle. Those values are work, number one, and two, responsibility.

We believe that work should be honored; and when we have heard the few Republicans that have come to defend this indefensible position, they have not honored work because what they have tried to say is that these people that are owed this child care tax credit, they have said, well, they are not working or they are not working for enough money. Hogwash. All work ought to be respected in this country whether one gets paid a million bucks a year or $12,500 a year, and there are a goodly number of Republicans who share that view.

I am here to call on my friends on the Republican side of the aisle who share that view to come defeat this rule and bring up the Senate bill so that we can pass a responsible bill that does not bust the budget and create another $80 billion of debt for the very kids subject to this child care tax credit.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding the time to me; to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for bringing forward a very forward-thinking legislative initiative, Flight 100—Century of Aviation Reauthorization Act; to the chairman and ranking member of the full committee, the excellent work that they have done; and the chairman and ranking member of the subcommittee. They have truly brought forward a bill that raises and promotes the question of security.

As a member of the Select Committee on Homeland Security, this legislation includes grant programs for local airports. It also increases the number of flights that we can utilize out of Reagan National, indicating that we are secure and we are not afraid, and prohibits a very important aspect of a very important traffic controller from being privatized.

I have met with my traffic controllers, particularly in Houston. The kind of expertise that they have and the importance of their independence and their relationship to the government in our effort of security is crucial. It is imperative that we not privatize those individuals.

As well, it is important that we have other security measures that are being provided by this legislation.

Let me make one quick point. I am disappointed that the Gibbons amendment was not allowed in, the amendment that I supported, that raised the age of pilots to 65.

□ 1145

I think we are making a mistake by not having a vigorous debate on this question, particularly in light of the fact that it is well known that we are as a Federal Government opposed to age discrimination. This is supported by a number of members of the pilots union, meaning small groups or local chapters, and it certainly is questioned by the Black Pilots Association as to the issue of discrimination. I think we are making a mistake. I think it was a very effective amendment and I hope

we will have a time to address that question.

Mr. Speaker, it is interesting that we are bringing this bill up, but yet we have a difficulty in helping the children of America, particularly with bringing to the floor a freestanding bill that has now been passed by the Senate since last week that provides for minimally $154 for 12 million children, or families representing 12 million children in America. We understand that America believes in its children, but we are not believing it by putting our money where our mouth is. We only spend at this point between 1 and 2 percent of the GDP on our children. Yet today this House, the Republican leadership, is fighting against passing a freestanding tax credit for children, a refund to allow for 12 million children to be provided for and protected.

Under the tax cut plan passed in 2001, while most families with children receive the child tax credit, nearly 10 million low-income children receive nothing and another roughly 10 million children did not receive a full child tax credit. It seems ridiculous that this House can find its way to pass a number of suspension bills between this week and the end of the week. We did find it to move forward on this FAA legislation which is a positive step. But when the Senate moved quickly last week to pass the child tax credit refund, it does not seem to make any sense that we cannot support the Rangel-DeLauro bill or, in this instance, the freestanding Senate bill that simply provides the children of America of those making $10,000 to $26,000, working families, a tax credit refund. But we can provide, it seems, a number of our families, 190,000 families in America, we can give them a $93,000 check.

Mr. Speaker, it is a shame that we would bog down the tax bill and give all but the kitchen sink so that we know it will go to conference and takes ages and eons and months and weeks, but we cannot pass a freestanding bill. I hope that we will come to our senses and pass a freestanding bill and work on behalf of America's working families and children of America.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to speak on this rule. This bill reauthorizes $58.9 billion over 4 years for the activities of the Federal Aviation Administration, including the grant program to local airports. It also increases the number of flights at Washington's Reagan National Airport, prohibits air traffic controllers from being privatized and allows airports to use some of their Federal grant resources to install explosive detection systems for checked luggage.

Funding our aviation infrastructure is an important component of ensuring the safety of the American public. But I would like to talk about another issue of great importance, and that is extending the child tax credit to the 6.5 million American families who were left out of the Republican tax bill, 200,000 of those military families while their spouse is at war. After the furor that erupted during the last 2 weeks over the Republicans' secret elimination of the child tax credit for the families of 12 million children, after the other body passed legislation to undo that wrong, late yesterday comes word from this House that this House has finally decided to act. But instead of accepting a simple extending of this tax cut to the taxpaying families who need it most, those who were left out of the package, the Republicans use the opportunity to try to pass another round of irresponsible tax cuts.

With the Thomas bill, what the Republicans are doing is very simple. They are holding 12 million children hostage. As I said yesterday, for them, extending the child tax credit to low-wage families who earn between $10,500 and $26,625 is simply part of a deal. They would use these 12 million children as a bargaining chip in their never-ending quest to cut taxes for only the wealthiest Americans.

But that is not what providing tax relief to these 6.5 million families should be about. Helping these families is a matter of fairness, equity and economic justice. They work hard. They pay nearly 8 percent of their incomes in payroll taxes and in sales taxes. Yes, they pay taxes, unlike Enron which the last 4 out of 5 years paid no taxes to this government, or those companies who go offshore for the direct purpose of paying no taxes and yet they are in line for very, very big tax cuts.

As the White House said without equivocation the other day, the House of Representatives needs to right this wrong. It needs to do so without complication, and it needs to do so immediately without holding hostage 12 million children. That is the right thing to do. This is why we were elected to this job. This issue is such a violation of all that we hold dear and believe. This issue is not about partisan politics. This is about what we hold dear, what the values of each and every one of us who serves in this body is about. It is about our individual character. It is also about our national character.

The people of the United States of America believe that there has been a violation here of folks who are hardworking people, who pay their taxes, who were told and were supposed to have been signed into law that they were going to get a tax credit for their children, pulled out in the dead of night, money stolen from them. It is an immoral act and we have the moral obligation in this body to move quickly to what the Senate did, not with any bargaining chip to hold these 12 million children hostage, or their families, but to do what the President has asked, without equivocation, do what the Senate did, do it without complication, do it immediately. Let us right this wrong. Let us give these families what they rightfully have earned. Twelve million children are waiting.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to highlight the difference in philosophies here, and I think that my colleague on the Committee on Rules, the gentlewoman from North Carolina, in Congress Daily said it best. Speaking for the Republicans, she said: ''We have a philosophical difference. I look at it and other Republican Study Committee members feel if we give people a tax break that don't pay taxes, it's welfare.''

I profoundly disagree with her characterization of these hardworking citizens who do pay taxes, they do pay payroll taxes and sales taxes and other taxes, as somehow not contributing to our tax base. As a prominent member of my party in the other body said, and let me quote her, We are talking about 200,000 military families, hundreds of firefighters and teachers and other hardworking Americans. I don't think of them or view them as welfare recipients. I don't think that they think of themselves that way. These are taxpayers. These are essential people in our communities, those who are protecting us from fire and from criminal activity, those who are teaching our children, those who are stationed abroad and protecting our very freedoms. They are hardworking families who pay sales tax, both State and local. They have payroll taxes that come out of their checks.

Mr. Speaker, this is what this debate is about, whether or not these people deserve to benefit from this tax cut that was passed only a few weeks ago in this House or whether or not they should be excluded. Those on our side of the aisle and a lot of moderate Republicans in the other body believe that these people should not have been deleted from the tax bill.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my good colleague from Massachusetts for yielding me this time.

It is amazing to me. The Democrats have been talking about the need to provide this child tax credit to the 12 million children who are in working families now for at least a week and we were very gratified to see that the other body, the Senate, on a bipartisan basis passed a very carefully tailored bill that would cost, I guess, $3.5 billion and that would essentially put the families of these children, the working families, back into eligibility for this increased tax credit. What happens when this bill comes over here to the House? Our House Republican leadership, which as we know has repeatedly said that they are not in favor of this, the gentleman from Texas (Mr. DELAY) was quoted many times last week as saying it was not important and that he was not going to do it unless it was part of a larger tax break giveaway. That is what we are hearing now. The House Republicans are saying and the

gentleman from California (Mr. THOMAS) and the Committee on Ways and Means have said that they are only willing to provide this tax credit to these 12 million children if we increase the amount of money greatly, go further into debt and add on a number of other things for wealthier families. It simply is not right because what effectively the Republicans in the House are doing is killing this proposal.

If the bill that passed the Senate came over here and we simply took it up and passed it, it would become law and the 12 million children would get the tax break. They would get the money going out sometime after July 1. And now because of the House Republican action here to expand this and try to help wealthier families and individuals, it is very likely that this whole bill is killed and that the Senate action will not accomplish what it should accomplish.

I blame directly the House Republican leadership. They were not in favor of this from the beginning. They did not include it in their tax bill in the beginning, they said they were opposed to it, and now they are putting up more hurdles and roadblocks to it. They are also saying they are not going to pay for it.

In the Senate, Senator BLANCHE LINCOLN had put in specific pay-fors, increases in customs duties to make sure that this would not do anything to increase the debt which we understand is like $400 billion now. And what do the House Republicans do in the leadership here? They eliminate the pay-fors and they increase the funding to pay for higher-income individuals, holding these children and their families essentially hostage to a tax break for wealthier individuals, and they refuse to pay for it. They basically come up with a bill that is about 80 or $82 billion that is all debt and not paid for at all. I cynically say the reason they are doing it is because they want to kill the bill. They do not want these 12 million children to get the tax break, these working families to get the tax break. They just want to kill the bill. They were always against the bill. Through this action they will kill the bill if it passes in that way, and they are totally responsible for that.

You have to understand the way this place works, and this is the sad part about it. It is very easy for the House Republican leadership to simply take something good that the other body did on a bipartisan basis and kill it by adding all these additional tax breaks for wealthier families and at the same time eliminating the pay-fors, so it is now being paid for out of debt which will cause so much problem for the other body that they will never take up the bill, it will never get the 50 or the 60 votes that are necessary in the Senate to pass the bill.

We have to do whatever we can over the next 24 hours, because this is likely to come up tomorrow, to try to force the original Senate bill to pass just at the cost of the $3.5 billion, just for those 12 million children that were left out, and with the pay-fors that were in it so that it is acceptable to everyone. That is the way this should be done. Simply take up the other body's bill and pass it and not load it down with all these other problems. We have about 24 hours to try to convince and get the votes for that. It is not going to be easy, but we are going to make sure as Democrats that we do that so that we have a good bill that will pass.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, just to make clear the point that this is not a partisan issue throughout the country. Unfortunately it has become a partisan issue here in the House of Representatives, but I want to refer to two quotes from some distinguished Members of the other body. One, a senior Republican from the other body representing the State of Iowa, when asked about this subject said, What's going to make them, meaning the House Republicans, accept it is whether or not they want this group of people, particularly people in the military who are sacrificing their freedom for our freedom, to get the same benefit everybody else is going to get who has children in their family.

What is really unfortunate is that by the inaction of the leadership in this House, it appears that the Republicans in the House do not want to help these military families and their children.

□ 1200

Another prominent Republican in the other body from the State of Maine said the base pay of a first year soldier is $16,000. Paramedics make an average of $22,000, and home health aides make an average of $18,500 per year. These people are a critical part of our infrastructure, and they deserve tax relief too.

I could not agree more. People on this side of the aisle could not agree more. We have been fighting during these last several weeks to try to put back in the bill what the Republican leadership in the House removed from the bill in the dead of night, specifically this child tax credit for low-income workers, precisely because we understand the plight of these workers, and when we go back to our districts we hear from them when they say, you know, if you are going to give tax relief to people, we need it more than Donald Trump does, so why are you not helping us?

Again, there are prominent Members of the other body representing the Republican Party who get it, who are fighting to try to fix this problem right now; and yet here in this Chamber, in this House of Representatives, the leadership continues to try to find ways to deny these hard-working, taxpaying individuals, these families the benefit that they rightly deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in case some colleagues are perhaps listening to the debate on television in their offices, we have brought forth the rule to consider the aviation reauthorization bill, the reauthorization of the Federal Aviation Administration.

The Federal Aviation Administration is of extreme importance to the safety of not only the flying public in the United States, but really to the economy of the United States. One of the pillars of the economy of the United States is precisely the superb system of aviation that we have.

But that does not happen by chance. We have an obligation to fund and reauthorize the Federal Aviation Administration, and this legislation that we are attempting to get to today with this rule not only does that, but deals with a number of very important collateral issues in the area of aviation.

So, again, to be clear with regard to what we are attempting to do today, what the Committee on Rules has done, we have passed a rule to bring to the floor legislation to reauthorize the Federal Aviation Administration in the context of very important legislation entitled Flight 100—Century of Aviation Reauthorization Act. That is what we are discussing today.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I agree with the gentleman that the underlying bill that we are considering here today is important. Aviation and the safety of our skies and the strength of our airports, all that is very, very important.

We are also trying to do here, so if anybody is listening they will understand, we are also trying to be able to, in addition to helping the aviation industry and helping our airports and helping protect our airports, we are also trying to help protect a lot of American families, 12 million families, to be exact, some of them military families where servicemen and servicewomen are serving our country in Iraq. We want to make sure that they can benefit from the child tax credit.

We cannot seem to get the leadership of this House to allow us to be able to vote on this issue, up or down. We are trying to advocate for millions of families in this country who not only need help, who deserve help.

So part of what we are doing on this bill and what we have been doing on previous bills is to try to highlight this issue, helping to persuade, and, if not persuade, maybe shame you into doing the right thing.

I guess I will ask the question that the distinguished minority whip asked last week during this debate. Why is it that we cannot get a vote up or down to reinsert the child tax credit that your leadership removed in the middle of the night?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think the gentleman from Massachusetts has laid out the case very effectively. The underlying bill here is critically important. The underlying bill also deals with airport workers whose interests are tied up with the child tax credit issue, as well, and the importance of doing what we said we were going to do.

It is not a question of bargaining for putting back what was rightfully the child tax credit to these 6.5 million families, to these 12 million children. That is the only issue that we were trying to address, very simply. It seems to me that what the Senate did is perfectly acceptable and it can be done. And I asked the question last week of the majority leader as well, will you accept the Senate language if it comes over here? The Senate language is here.

We can do this, we can move quickly, and we can do it without holding hostage 12 million children. It is just not quid pro quo. It is not, as I said earlier, for political advantage. It is about doing what is the right thing. That is all we are asking.

The President has said, do it. Take the Senate language; make it happen. When people of well-meaning in every part of the government, whether it is the House, the other body, the executive branch, want to come together to try to address these 12 million children, these 6.5 million families, who pay taxes, it would just seem to me that we could do it quickly in this body without any hesitation.

What we want to do is be able to provide the opportunity for these people to get the same benefit 25 million other people are going to get on July 1. Why should they not be the beneficiaries of a tax cut to allow them to put food on their table? It is easy. Let us get it done, and let us just try to take aside all of the extraneous matter.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should refrain from making improper references to the Senate.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time to close for our side.

Mr. Speaker, I will ask for a vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that as soon as the House passes this rule it will take from the Speaker's table and immediately consider the Senate-passed version of H.R. 1308, which restores the refundable child tax credit that was removed from the recently passed Republican tax bill. This way we can send that bill immediately to the President's desk for his signature and start helping America's low- and modest-income families right away, right this second.

The President's press secretary, Ari Fleischer, said this week that ''the President thinks at its core what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it.'' I think we should give the President an opportunity to do just that.

H.R. 1308, as amended by the Senate, will provide immediate tax relief to America's hard-working families, in contrast to the Republican/Bush tax bill. That bill does next to nothing to help those low- and moderate-income Americans who need relief the most. In fact, in a late night negotiating session behind closed doors, the Republican leadership deleted the one provision that would have helped these Americans, the refundable child tax credit. When it came to a choice of helping their rich contributors or Americans struggling to make a living, they chose the rich. They stripped out this tax break that would have helped the families of 8 million children whose parents serve in the military or are veterans.

H.R. 1308, the bill amended and passed last week in the other body and sent back here, will give immediate help to working families by providing the child tax credit to 6.5 million low-income working families and nearly 12 million additional children. These families would receive an average annual increase of $150 per child.

It will also help families of soldiers in combat in Iraq by extending the child tax credit to many of them. It was suggested by some on the other side of the aisle that this break for our brave men and women in the military was nothing more than welfare. Well, I strongly disagree.

I ask for a ''no'' vote on the previous question.

Mr. Speaker, I include the following for the RECORD.

PREVIOUS QUESTION FOR H. RES. 265—RULES ON H.R. 2115 FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

At the end of the resolution add the following:

''SEC. 2. Immediately upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, with Senate amendments thereto, and a single motion that the House concur in each of the Senate amendments shall be considered as pending without intervention of any point of order. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, in case somebody would like to determine what we have brought to the floor today, because obviously any students of political science who may have been watching this debate will have confirmed today that there is certainly no rule requiring germaneness in debate in the House of Representatives, the issue that we have brought to the floor today, that the Committee on Rules passed a rule in order to be able to do so, we did so yesterday, is the reauthorization of the Federal Aviation Administration.

In order to reauthorize the Federal Aviation Administration, the relevant committees worked long and hard on a very important piece of aviation legislation which we bring to the floor today. It is H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. So that is what we are doing.

Now, since there is obviously no germaneness requirement with regard to debate, our colleagues on the other side of the aisle have talked about other issues, and they are certainly welcome to do so. The semantic of the day had to do with the word ''tax.''

We are very proud of our record since we were honored by the American people with the majority in this Chamber with regard to the issue of taxes. I remember in my first term here, Mr. Speaker, as a freshman Member, we were still in the minority and our friends on the other side of the aisle controlled the agenda, they were the majority, being faced with one of the largest tax increases in the history of this country. We on this side of the aisle opposed that tax increase, and our friends on the other side of the aisle pushed very hard, and at that time they had a Member of their party in the White House, to impose that record tax increase on the American people.

Every time we have been able to since we were given the majority by the American people, we have tried to do the opposite. We have tried to lessen the tax burden on the American people, and we are very proud of that.

So with regard to when it is germane to the debate on taxes, we are extremely proud of our record. That debate will continue, and I think it is a fundamental difference between the parties. We believe in and have every time we have been able to reduce the tax burden on the American people.

But today the debate that we bring forward, the legislation that we bring forward, is the important reauthorization of the Federal Aviation Administration. We believe, Mr. Speaker, that because of the importance of the Federal Aviation Administration, not only to the flying public and to the aviation industry in this country, but to the economy of the United States, as well as to our national security, that we should move forward and reauthorize that very important Federal agency, as well as effectuate the other important programs and initiatives that are included in this very significant piece of legislation.

□ 1215

With that in mind, I remind our colleagues what we are doing, the reauthorization of the Federal Aviation Administration.

Ms. WATERS. Mr. Speaker, I rise to oppose this rule, which does not allow consideration of several Democratic amendments. I submitted two amendments regarding Los Angeles International Airport (LAX), which is in my district, and neither was made in order.

The operator of LAX is proposing a major expansion project that would include the construction of a remote passenger check-in facility that would force all passengers to check-in and leave their baggage in the same location. This project could cost an estimated $9 to $10 billion. Supporters of this controversial project claim that it is necessary to protect public safety. Yet a RAND Corporation study concluded that this project will not improve public safety and could increase the likelihood of a terrorist attack by concentrating large number of people at the check-in facility.

I submitted an amendment to require the Secretary of Homeland Security to review the proposed remote passenger check-in facility and determine whether it would, in fact, protect public safety. My amendment would have prohibited the construction of this project unless the Secretary of Homeland Security concluded that it would protect the safety of air passengers and the general public. I also submitted an amendment to ensure that taxpayer funds are not wasted on dubious LAX expansion projects like this one.

I urge my colleagues to reject this rule and allow me to offer my amendments to protect the American people from both threats to public safety and unnecessary and expansion airport construction projects.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 265, if ordered; and on the three motions to suspend the rules previously postponed, in the following order: H. Con. Res. 110; H.R. 1320; and H.R. 2350.

The vote was taken by electronic device, and there were—yeas 219, nays 195, not voting 20, as follows:

[Roll No. 257]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Sessions
Shimkus
Smith (WA)
Spratt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that there are 2 minutes remaining in the vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 10 Members stuck in an elevator in Rayburn. We are waiting for them.

□ 1305

Mr. HINOJOSA and Mr. DICKS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clauses 8 and 9 of rule XX, the remainder of this series will be conducted as 5-minute votes.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 370, noes 43, not voting 21, as follows:

[Roll No. 258]

AYES—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez

Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—43

Andrews
Becerra
Bell
Conyers
Doggett
Evans
Farr
Ford
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Kildee
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Matsui
McCollum
McDermott
McGovern
Meek (FL)
Miller, George
Moran (VA)
Obey
Olver
Owens
Rangel
Rothman
Sabo
Sandlin
Schiff
Slaughter
Thompson (MS)
Tierney
Towns
Van Hollen
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—21

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Frelinghuysen
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Nethercutt
Rush
Sessions
Smith (WA)
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1313

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING SCIENTIFIC SIGNIFICANCE OF SEQUENCING OF HUMAN GENOME AND EXPRESSING SUPPORT FOR GOALS AND IDEALS OF HUMAN GENOME MONTH AND DNA DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 110.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 110, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 259]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter

Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Farr
Fossella
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Sessions
Smith (WA)
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that they have 2 minutes to vote.

□ 1322

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMERCIAL SPECTRUM ENHANCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1320, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 1320, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 10, not voting 16, as follows:

[Roll No. 260]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—10

Coble
Davis, Jo Ann
Duncan
Flake
Goode
Miller (FL)
Obey
Paul
Royce
Smith (MI)

NOT VOTING—16

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Smith (WA)
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes to vote.

□ 1331

Mr. ROYCE, Mr. DUNCAN and Mrs. JO ANN DAVIS of Virginia changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELFARE REFORM EXTENSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2350.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2350, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 6, not voting 22, as follows:

[Roll No. 261]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Conyers
Flake
Frank (MA)
Olver
Owens
Paul

NOT VOTING—22

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gephardt
Gutierrez
Jones (NC)
Kirk
Kolbe
Larson (CT)
Majette
Northup
Nussle
Rush
Smith (WA)
Spratt
Thornberry
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The Chair advises there are two minutes to vote.

□ 1338

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. BIGGERT. Mr. Speaker, today I joined President Bush in my home State of Illinois for a forum on Medicare. As a result, I missed a series of votes. Had I been present, I would have cast the following votes:

''Yes'' on the Previous question on the Rule for H.R. 2115, Flight 100—Century of Aviation Reauthorization Act (roll No. 257); ''yes'' on Passage of the Rule for H.R. 2115, flight 100—Century of Aviation Reauthorization Act (roll No. 258); ''yes'' for H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day (roll No. 259); ''yes'' for H.R. 1320, the Commercial Spectrum Enhancement Act (roll No. 260); and ''yes'' for H.R. 2350, the Temporary Assistance for Needy Families block grant program Reauthorization Act (roll No. 261).

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote Nos. 257, 258, 259, 260, and 261. Had I been present, I would have voted ''nay'' on roll No. 257 and ''yea'' on roll No. 258, 259, 260, and 261.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present this morning, Wednesday, June 11, 2003, to vote on rollcall vote Nos. 252, 253, 254, 255, and 256 due to a family medical emergency.

Had I been present, I would have voted:

''No'' on rollcall vote No. 257 on Ordering the Previous Question on H. Res. 265, providing for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes;

''Yea'' on rollcall vote No. 258 on H. Res. 265, providing for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes;

''Aye'' on rollcall vote No. 259 on H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day;

''Aye'' on rollcall vote No. 260 on H.R. 1320, Commercial Spectrum Enhancement Act; and

''Aye'' on rollcall vote No. 261 on H.R. 2350, to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003.

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, I was unavoidably detained today and missed rollcall votes 257 through 261. Had I been present, I would have voted ''no'' on 257, and ''yes'' on 258, 259, 260 and 261.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, due to the visit of the President to Chicago today, I missed the following rollcall votes: Numbers 257, 258, 259, 260 and 261. Had I been present, I would have voted ''aye'' on all of these votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

ORDER OF AMENDMENTS DURING CONSIDERATION OF H.R. 2115, FLIGHT 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2115, pursuant to House Resolution 265, it shall be in order to consider amendment No. 5 as printed in the report of the Committee on Rules before consideration of any other amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2115.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXCHANGE OF LETTERS REGARDING H.R. 2115, FLIGHT 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent to insert into the RECORD at this point an exchange of letters between the gentleman from Alaska (Chairman YOUNG), the gentleman from Louisiana (Chairman TAUZIN), the gentleman from California (Mr. POMBO), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Virginia (Mr. TOM DAVIS) regarding H.R. 2115.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The letters referred to follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 6, 2003.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, which was ordered reported by the Committee on Transportation and Infrastructure on May 21, 2003.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 2115. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 2115 or similar legislation.

I request that you include this letter as part of the Committee's Report on H.R. 2115 and in the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 6, 2003.

Hon. W.J. (BILLY) Tauzin,
Chairman, Committee on Energy and Commerce, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 6, 2003 regarding H.R. 2115, the Flight 100—Century of Aviation Act and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation and in the Congressional Record.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 4, 2003,

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 2115, Flight 100-Century of Aviation Reauthorization Act, as ordered reported from the Committee on Transportation and Infrastructure on May 21, 2003. The Committee on Resources has a jurisdictional interest in Section 408, Overflights of National Parks.

Recognizing your wish that this critical bill be considered by the House of Representatives as soon as possible, and noting the continued strong spirit of cooperation between our Committees, I will forego seeking a sequential referral of H.R. 2115 for the Committee on Resources. However, waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 2115 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Committee on Transportation and Infrastructure's bill report.

I appreciate your leadership and cooperation on this bill and I look forward to working with you to see that H.R. 2115 is enacted into law soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 4, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 4, 2003, regarding H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, and for your willingness to waive consideration of the provision in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of this provision of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, June 6, 2003.

Hon. DON YOUNG
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I have reviewed H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. The bill authorizes research and development (R&D) programs that fall within the jurisdiction of the Committee on Science.

In deference to your desire to bring this legislation before the House in an expeditious manner, I will not exercise this Committee's right to consider H.R. 2115—provided that your Committee acknowledges the jurisdiction of the Committee on Science over R&D programs regardless of the account from which they are funded. Further, the Committee on Science reserves its right to seek conferees on any provisions that are within this Committee's jurisdiction during any House-Senate conference that may be convened on this legislation and a corresponding Senate bill.

Specifically, the Committee on Science has jurisdiction over portions of section 102. That section authorizes, among other things, R&D programs within the Facilities & Equipment Account. This includes programs that the Committee on Appropriations transferred to the Facilities & Equipment Account in 1999. The Committee retains its right to such conferees on other portions of this bill related to R&D.

I request that you include this letter as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 6, 2003.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. I

appreciate your offer to waive consideration of the bill.

Traditionally, the Transportation Committee has authorized the equipment deployment functions from the Federal Aviation Administration Facilities and Equipment (F&E) account. I recognize that in certain years functions under the jurisdiction of the Science Committee were moved from the FAA Research, Engineering and Development (RED) account to the F&E account through the annual appropriations process. While I believe that these unauthorized appropriations do not have any bearing on committee jurisdiction, I prefer that the Appropriations Committee adhere to the authorizing language and refrain from moving functions from the RED account to the F&E account in order to benefit from a slower spend-out rate. For example, I would prefer that the Advanced Technology Development and Prototyping program remain in the RED account.

Historically, the Science Committee has had oversight and authorization responsibility over the RED account while the Transportation Committee has had exclusive jurisdiction over the F&E account. I believe that continuing this practice is the best way to preserve the jurisdiction of both committees.

I thank you for your attention to this matter and look forward to working with you and your staff. As you request, a copy of your letter and my response will be placed in the RECORD.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 11, 2003.

Hon. DON YOUNG,
Chairman, Committee on transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. YOUNG: I am writing regarding H.R. 2115, ''the Flight 100—Century of Aviation Reauthorization Act.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform. Section 404, Clarifications to procurement authority and Section 438 Definition of air traffic each contain provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I have not asked for a sequential referral of this bill. However, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions, and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. I respectfully request your support for the appropriate appointment of Members of the Committee should such a conference arise.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 11, 2003.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 11, 2003 regarding H.R. 2115, the Flight 100—Century of Aviation Act, and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be in the CONGRESSIONAL RECORD.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 265 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2115.

□ 1339

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the occasion of the 100 years of powered flight, I rise in support of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act of 2003.

H.R. 2115 addresses the needs of the national aviation system today and in turn provides for its future. The Federal Aviation Administration oversees and ensures the safe and efficient use of our Nation's air space. The bill before us now supports this important work.

It reauthorizes FAA for 4 years and allows for modest increases in funding levels for fiscal years 2003 through 2007. H.R. 2115 also ensures that the Aviation Trust Fund is used to finance airport capacity and safety projects. It also continues to provide general funds to pay for FAA safety functions that are in the public interest.

Additionally, the bill makes a number of important legislative changes, such as:

Funding the Small Community Air Service Program and the Essential Air Service Program;

Increasing the number of slots at Reagan National Airport;

Streamlining airport project reviews as passed by the House twice last year; and

Prohibiting the privatization of functions performed by air traffic controllers.

It goes without saying that the aviation industry is vital to the U.S. economy. H.R. 2115 provides for its stability and, more importantly, for its continued growth.

I want to thank the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for working with me to draft H.R. 2115. As a result of this cooperative effort, we have bipartisan legislation that everyone in this House can fully support.

I especially want to thank the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Oregon (Mr. DEFAZIO). H.R. 2115 clearly represents the hard work and the long hours they and their staff put into this effort. I appreciate their dedication in ensuring that the United States continues to have the safest and most efficient aviation system in the world.

For that reason, I join with the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the subcommittee chairman, the gentleman from Florida (Mr. MICA); and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), in urging the immediate passage of this bipartisan bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I, too, of course rise in support of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. It is appropriate that we apply that title to the bill in this year; it is the 100th anniversary of flight. When you think how far the world has come in aviation in just 100 years, it is really extraordinary. No other technology in the field of transportation can match the speed with which we have advanced the cause of aviation in this 100 years.

We have worked in a very diligent and bipartisan manner over many weeks and months; and I want to thank the chairman, the gentleman from Alaska, for the frequent and thorough and intensive conversations we have had to shape this legislation, come together in agreement on the many sticky issues that we had to confront in shaping this bill, and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), who has always been available and readily available to discuss and iron out the many complex issues.

I want to compliment the ranking member on our side, the gentleman from Oregon (Mr. DEFAZIO), whose 18-plus years, 20 years of intensive work

in the field of aviation have paid off in his current position as the leader on our side on aviation issues. He has done a splendid job in shaping this legislation, which will put America on the course it needs to be to continue investment in our aviation airside infrastructure, in the modernization of the air traffic control system, and in ensuring we have the finest professionals in the world to manage that air traffic control system in the form of our air traffic controllers and those who support and maintain the technology of aviation.

□ 1345

Though emplanements dipped after September 11, they are on the rebound. We are seeing flights return to something approaching pre-September 11 numbers. Something like 71 percent load factors are returning, but yields are down. On average, they are down 4 cents to 5 cents per revenue passenger mile from what they ought to be to sustain the level of revenue we saw in the pre-September 11 era. But that, too, will come back. That will return as our economy gains in strength.

I know that the FAA is projecting over the next 6 years a return to 600-plus million passengers a year, and 696 million was the level we had prior to September 11. Now, when we think that in a world that emplaned 1 billion passengers in 2001, and 696 million of those were in the United States, it means that this Nation boards two-thirds of all the people who travel by air in the entire world.

So if we are to position ourselves to accommodate that growth in the future, then we have to make the investments now in the air side capacity of our airports. We have to prepare the taxiways, runways, and the air side improvements to accommodate that future growth so we will not be left behind, struggling, trying to catch up when it is too late and flights have rebounded.

In that respect, this bill provides $14.8 billion for the Airport Improvement Program funding. That is $1.2 billion more than the FAA's request. We have $12.3 billion for facilities and equipment over the life of this legislation, $200 million of which is specifically designated for the Standard Terminal Automation Replacement System, STARS, that handles 70 million airport operations a year throughout this country. That is a staggering amount and requires a vast capacity that this new system will provide.

We also maintain a level of funding to accommodate the air traffic controllers, $31.3 billion for FAA operations over the life of this legislation. We have done a good deal to accommodate the needs of small airports with essential air service improvements in this bill.

I recall so very vividly in 1978 sitting on this committee when we considered the deregulation of aviation. The question was raised whether we would have service to small communities. I offered the amendment for essential air service, with the concluding remark to the chairman of the Committee, that if we do not pass this amendment, there are towns in my district where the only way to get there will be to be born there, and I do not want to see that happen again. So we have done a good job with those issues.

Before concluding, I want to engage the chairman in a discussion. But I want to thank on our side the staff, Stacie Soumbeniotis, Giles Giovanazzi, Ward McCarragher, and, on the Republican side, David Schaffer, who have done superb professional work in crafting these extremely complicated provisions of this bill.

Mr. Chairman, I am disappointed that the bill does not go as far as I would have liked it to do in guaranteeing that our air traffic control system remains the safest in the world dealing with the privatization of air traffic controllers. It does not deal with the certification and related maintenance of equipment used by air traffic controllers.

So I think that we did not address this issue in the bill. I think we will come to that point in conference. I know the chairman is amenable to working towards a solution on this issue, and will work with us in conference to ensure that both controllers and air systems specialists are protected in the bill Congress sends to the President.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, I would say that that is correct. I am well aware of the proposal the gentleman has suggested. Frankly, I support it myself. But as the gentleman knows, we were threatened with a veto if it was amended in the committee, so the gentleman and I had a lot of work to do in conference, and, of course, the administration.

I do think that we have to have the safest air system. I believe, Mr. Chairman, we do have the safest air system in the world. Some of the other countries have changed their systems, but I actually think we are doing a better job. It does not mean we cannot improve upon it, but we are doing a better job.

The way we do a better job is keep the professional people in line and by making sure they are doing the job correctly, as they have been doing, and as the control tower people have done so far. I am well aware of it and I will be working with the gentleman.

As the gentleman knows, this bill will pass today overwhelmingly, I believe, and we will have an opportunity to address this issue as time goes by.

I thank the gentleman. I must say for the record, I don't believe anybody knows the air business better than the gentleman does. The gentleman has been a long time as subcommittee chairman when he was in the majority, and he knows this issue. We appreciate working with the gentleman, because this is a great value to our country, this transportation system we have. I do thank the gentleman.

Mr. OBERSTAR. Mr. Chairman, I appreciate the chairman's remarks. I am delighted that we will be able to work in conference to assure that both controllers and systems specialists remain Federal employees.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my debate time to the gentleman from Florida (Mr. MICA), and I ask unanimous consent that the gentleman be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I particularly want to thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and our ranking member of the Subcommittee on Aviation, the gentleman from Oregon (Mr. DEFAZIO), for their leadership in trying to bring this measure together and to the floor.

This is a 4-year reauthorization, and it is very difficult. We have over 70 members on the full committee and over 40 members on the Subcommittee on Aviation, and the White House and all the various and sundry interests that want specific provisions in a reauthorization bill such as we have before us. But we have come together, and I am real proud of the work that the Members have done and the staff.

I will have a manager's amendment that incorporates some of the issues that we have agreed to on a bipartisan basis, and also pledge to work with all interests and sides on various issues as we hopefully bring this measure to conference.

Mr. Chairman, this legislation is critical to the future of aviation in our country. It is also fitting and I think very appropriate that on the 100th anniversary of manned flight by the Wright brothers that we bring this rewrite of our Federal aviation policy before the Congress. No nation in the world relies more on the safe and efficient operation of aircraft than the United States.

Just think about it: Two-thirds of all the air passengers in the world take off from the United States each year and each day, from U.S. soil. Without a reliable air transportation system, communities would become stranded, families would be separated, time-sensitive cargo lost, and countless jobs and opportunities forsaken.

This bill, H.R. 2115, also referred to as Flight 100, addresses the many pressing needs of our aviation system. We know it has been through a great deal of turmoil since September 11. I believe it also provides good elements for its future.

This legislation keeps our promise to the flying public and builds on the landmark successes of its predecessor legislation, known as AIR–21. This legislation continues the guarantee that all the taxes and revenues paid into the Aviation Trust Fund are fully spent, and that airport improvements and air traffic control modernization that is so important is fully funded.

H.R. 2115 provides the funding necessary for the administration to operate air traffic control systems to the very highest standards of safety, and also allows us to modernize our outdated air traffic control system. It also increases the funding to airports to help build the capacity we need for future economic growth. This bill also makes much needed reforms to FAA's management structure by redefining the role of the chief operating officer.

I am pleased to see the administration within the last 24 hours has named that chief operating officer, and this legislation will clearly define the responsibilities of that position as it relates to the administrator of FAA.

It makes also, I think, a greater success of our Small Community Air Service Pilot Program, and it reforms the Essential Air Service Program to ensure that communities that need this service will continue to receive air service.

The bill streamlines the environmental review process for urgent airport capacity projects, and it does so without weakening any of the underlying environmental statutes or requirements. It also authorizes compensation to general aviation entities for losses resulting from security mandates. Again, they have not been reimbursed like the airlines or other entities that the Congress has previously provided for.

A lot of hard work has gone into this legislation, and I think we have worked diligently with the other side of the aisle to craft careful and meaningful compromises. The aviation industry in the United States is still the strongest in the world, and we must keep it that way. This legislation provides the stability and funding to ensure that we will continue to lead the aviation industry of the world.

This is a good, bipartisan piece of legislation, and I urge all of the Members to join in support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. DEFAZIO) manage the balance of the bill in general debate on our side, including authority to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation, and want to thank all the members of the committee and also particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the chairman, the gentleman from Alaska (Mr. YOUNG), and the gentleman from Florida (Mr. MICA), the subcommittee chairman, for the effort they and all our staff have put into this bill.

This is a good piece of work. It is a potential foundation for the second 100 years of the aviation industry in this country, an industry that contributes well in excess of 10 percent to our gross domestic product on an annual basis. It will begin to anticipate and invest in meeting the needs of the future.

There are a lot of folks that have seen the fall-off in air traffic, and they have forgotten the delays of 2 years ago and the capacity constraints of 2 years ago. But I have not and the members of the committee have not. It is going to require more investment, and there is significant investment in this bill over and above what was requested by the administration to begin to meet those capacity needs, in partnership with local communities and local airport authorities.

It also does include some environmental streamlining provisions which will not do violence to the National Environmental Policy Act, but will help move some of the bureaucratic impediments and sequential referrals and things that have gone on that have delayed unnecessarily projects that ultimately were found to have merit and to meet the environmental constraints and laws of the United States. We need to move some of these projects ahead more quickly, and this, I believe, will help facilitate that.

I am particularly happy with the air service section of the bill.

□ 1400

I represent what has become an underserved community because of the dominance of one major carrier who has chosen, despite the profitability of that market, to divest itself of service and substitute a substandard so-called express service.

There are many of us across the Midwest and the western United States and even in the East struggling with these sorts of issues. There are many communities that have no service whatsoever. So the improvements we are making in the essential air service authorization here are essential. The new pilot program that would allow other than the traditional essential air service program, which can sometimes be kind of lame, is to be undertaken by the Secretary. And, finally, the new section which I think is going to be the great benefit to airports like mine and other airports across the country that have seen a diminution in service is the Small Community Air Service Development program, which would, with language we have put in the bill, require and give preference to communities that are willing to partner with the government in terms of a contribution and also can demonstrate the potential sustainability of their plan. Not just a potential pilot program which essentially becomes another name for an EAS program, but something to encourage innovation, to attract in new carriers that could provide a permanent presence and a new competition and improvement in service to those communities. There are many of us that desire to facilitate that.

Also, being a west coast Member, the issue of Washington National Airport and the sort of outmoded restrictions we see there is also accommodated to some extent in the bill.

Flight attendants will get at least some small recognition for the vital service they provide the traveling public on a daily basis, where they are going to get a certificate when they have completed their training, which hopefully with the uncertainties in the industry, the bankruptcies and the layoffs, will give them some portability and viability perhaps to move to new jobs if they lose theirs or there are other problems.

We begin to anticipate the huge looming retirement of air traffic controllers with this bill and to require or authorize the hiring of replacements who have quite a long training window, and we need to move ahead with that so we do not have a crisis.

The cabin air-quality hearings which we had last week revealed that we are basically not monitoring cabin air quality; and where we do not monitor, we do not have a problem. But the few monitoring samples that have been done do show problems, and we are going to require studies that were called for by the National Academy of Sciences to be undertaken by the FAA.

Finally, the air traffic control system, there is no more successful model in the world of an efficient, well-operating, privatized air traffic control system. Those that do exist have had to be dramatically subsidized, reinvested in by the governments that went down that route. And when I recently met with the Chair of the committee of jurisdiction from the Parliament, she said, Do not go there. Look at the mistakes we made in Great Britain. And I am pleased to see the provisions in the bill that relate to that. All in all, Flight 100 is a great foundation over the next 4 years for the next 100 years of flight in the United States.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), a senior member of the Subcommittee on Aviation and immediate past Chair of the subcommittee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in very strong support of this legislation, which has been entitled Flight 100. It is a very important bill for our entire Nation. It is important even for those who never fly because a strong aviation system is so vital to our entire economy.

I want to commend the gentleman from Florida (Mr. MICA) and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), and the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), whose knowledge of the aviation system we all admire so much, and our great chairman, the gentleman from Alaska (Mr. YOUNG), for this bill.

As the gentleman from Florida (Mr. MICA) mentioned, I had the privilege of chairing the Subcommittee on Aviation for 6 years; but I cannot tell you how much I admire and respect the work that the gentleman from Florida (Mr. MICA) has done. No one could have done a better job as chairman of that subcommittee. And I certainly appreciate all the work he has done because that subcommittee has to deal with some very difficult and contentious issues at times, and that has been particularly so over the last couple of years.

This bill continues what I think was very good work that we did in the AIR 21 legislation that I had the privilege to work on while I was chairman of the subcommittee. I especially want to mention, as the gentleman from Oregon (Mr. DEFAZIO) did, the environmental streamlining provisions, because we have had so many hearings that said projects were costing three times as much as they should and taking an average of 10 years to complete because of convoluted and confusing environmental rules.

I know the main runway at the Atlanta airport took 14 years from conception to completion, but only 99 days of actual construction.

I appreciate the provisions in regard to general aviation which is so important to this Nation's economy, and small and medium-sized airports, because that is vital to areas like mine.

I want to thank the gentleman from Florida (Mr. MICA) for the provisions concerning Midway Island and making that eligible for AIP funding because that is something that means so much to so many veterans.

Finally, to the National Safe Skies Alliance, which has done so much work on aviation safety and security. I urge support for this bill.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to engage the gentleman from Minnesota (Mr. OBERSTAR) in a colloquy.

As the senior member on the Subcommittee on Aviation from California, I wish to bring to the attention of this body the rapidly developing public air travel access and passenger capacity needs at certain airports across the country.

With national growing capacity needs and growth issues, airports must address attendant safety factors. In 2002, Long Beach Airport was the fastest-growing commercial airport in the country at an annual growth rate of 300 percent. Therefore, I respectfully request that the Federal Aviation Administration and Congress take under advisement such capacity and growth issues and give appropriate consideration in awarding grants under the Airport Improvement Program for airports that are experiencing major growth. Specifically, I ask the FAA to take under strong consideration the needs for runway rehabilitation in these airports across the country that are impacted by rapid growth.

I ask the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, we as members of the Subcommittee on Aviation and the full committee have worked hard to produce an aviation reauthorization bill that will sustain growth and enhance capacity as well as address ongoing safety needs. Providing much-needed resources to these growing airports across the country is within the principle and spirit of this aviation reauthorization bill.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Minnesota.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I commend the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her persistence and continuous leadership on this capacity issue, as well as many other transportation matters within the jurisdiction of our committee.

Resources for airport growth is an essential feature of this legislation. The gentlewoman has worked very hard and reminded the committee of these capacity requirements over the coming years. The bill specifically improves those funding measures substantially over even AIR 21 and previous legislation.

Five years ago, Congress provided only $1.9 billion for the airport improvement program (AIP). In AIR 21, we substantially increased AIP funding. Flight 100 builds upon the success of AIR 21 and continues to grow the program to meet anticipated capacity issues. In total, the bill provides $14.8 billion for AIR over 4 years, $1.2 billion more than the Administration's request. Airport development funding will grow from the current level of $3.4 billion to $4 billion in FY 2007. Moreover, these funds are guaranteed under flight 100.

With Flight 100, we will continue to make headway toward addressing our enormous airport development needs.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), who is also a senior member of our Subcommittee on Aviation.

Mrs. KELLY. Mr. Chairman, my purpose in rising is to express my strong support for the passage of H.R. 2115, Flight 100.

Three years ago, we passed landmark legislation under the chairmanship of Chairman SHUSTER, which increased dramatically Federal investment in our aviation system.

As we all know, the country has undergone fundamental changes since the enactment of AIR 21; and few, if any, industries have been so directly affected by our new circumstances. The legislation we have on the floor today is important because it builds on the accomplishments of AIR 21 and helps our aviation system adapt to new changes. Air transport is a large and very important part of the U.S. economy, and safety is a focus of not only the industry itself but of this bill.

The central feature of this bill is that it continues protections for the aviation trust fund that we achieved with AIR 21. These procedural protections which ensure the revenue generated by aviation taxes will be dedicated solely to aviation improvements have had a substantial and positive effect on Federal investment levels in aviation. In the first year of AIR 21 alone, funding for the Airport Improvement Program increased by $1.3 billion. Funding for the Facilities and Equipment Program increased by $700 million in the first year.

This bill maintains a strong focus on safety. It sets us on a path that will allow us to accommodate the continued growth of the system that we expect and we desire.

So I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their efforts in getting this bill to the floor. And I would like to take note of my appreciation for their inclusion of a provision affecting our air traffic controllers and flight attendants. Once again, I urge a positive vote on this measure.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, I would like to first and foremost commend the leadership of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), and those who are ranking here representing this Flight 100, in recognition of the flight of the Wright brothers' incredible and ingenious invention, an item that seeks to annihilate space and circumscribe time.

I am particularly pleased that the protection for the air traffic controllers has been contained in this major piece of legislation. Individuals who lowered 4,000 flights without incident on 9–11 certainly need to be protected for their good work and their expertise.

Mr. Chairman, I had wanted very badly to have an amendment in here, a sense of Congress that would encourage the Department of Transportation to give preference to new entrants into the aviation market in terms of different routes that will eventually culminate in this particular legislation. While I support the major airline industry in this country, and use them twice a week, I think it would be beneficial to be very consumer friendly to

allow some of your lesser-known carriers to be new entrants into this market to enable them to fly to, say, Washington Reagan National Airport at a more consumer-friendly cost than what we are having to pay at present. And we would trust that the Department of Transportation would look at that as a possibility as this measure goes forward.

Mr. Chairman, I commend those who worked laboriously to ensure the passage, and I support the passage of Flight 100.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), a member of the full committee.

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am pleased to join my colleagues in support of H.R. 2115. A vibrant and strong aviation industry is critical to our Nation's long-term economic growth. Over 10 million people are employed directly in the aviation industry. For every job in the aviation industry, 15 related jobs are produced.

The aviation industry accounts for over $800 billion of the country's gross domestic product. Just as the aviation industry is a catalyst for growth in the national economy, airports are a catalyst of growth for their local communities. Airports create over $500 billion in economic activity and directly employ 1.9 million people. Almost 2 million people a day and 38,000 tons of cargo pass through our Nation's airports each day.

The aviation industry is important to me and my constituents in the 26th district of Texas. The Dallas-Fort Worth Airport and American Airlines are headquartered in my congressional district. In my district alone, the aviation industry directly and indirectly employs over 50,000 people.

Aviation also links our Nation's citizens and communities to the national and world marketplace. Without access to integrated air transportation networks, communities cannot attract the investment necessary to grow or allow homegrown businesses to expand. A modern and fully funded aviation network is fundamental to making sure that all Americans can participate fully in the economy.

Airports are economic development engines. Airport development is a real economic stimulus that creates both immediate jobs and long-term economic development. Once this bill is enacted, my constituents will have the tools and resources necessary to attract even more air service-related economic development, and most importantly, further expand their connections to the national and global economy.

Mr. Chairman, the FAA reauthorization bill meets the challenges facing our Nation's aviation system: increasing security, expanding airport safety and capacity, and making sure all of our Nation's communities have access to the network. I strongly support H.R. 2115 and look forward to its passage today.

□ 1415

Mr. DEFAZIO. Mr. Chairman, I yield 2¼ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the Century of Aviation Reauthorization Act, and I want to commend the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) because they have stressed so specifically the need for security in our airports, and they have worked diligently on that subject in terms of their leadership.

Working in a bipartisan manner, the committee has done an admirable job forging reasonable compromises on many issues. In the past 18 months, the Congress and the American people have made airport security and airline stabilization the primary focuses of aviation policy, and it is fitting to focus on our aviation capacity and safety needs again.

The Airport Improvement Program funding authorized in this bill will have the added benefit of putting people to work in a time of 6.1 percent unemployment. One issue that remains a top priority for me is funding for the national airspace redesign in the operations and maintenance account.

With a national airspace that looks as if it was designed in the time of the Wright brothers, AIR 21 did a good job of providing funds to stop the comprehensive design. H.R. 2115 allows that work to continue.

In 1998, FAA administrator Jane Garvey came to Newark airport and announced that the National Airspace Redesign would begin in the New York/New Jersey/Philadelphia region. I know that the FAA is still working on that segment of the design, and they hope to have a draft environmental impact statement next year.

The completion of the redesign will benefit Newark Liberty International Airport immensely by reducing delays, and it could potentially benefit New Jersey residents with air noise reduction.

Let me reiterate a point included in the committee report, if I may, that reminds the FAA that environmental streamlining provisions in the legislation have not been drafted to undermine the National Environmental Policy Act and we also worked that out. I urge the House to improve this important legislation.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), an outstanding new Member and also the vice chair of our subcommittee who is doing a great job.

Mr. CHOCOLA. Mr. Chairman, I want to thank the gentleman for yielding me the time. I also want to commend the distinguished chairman for his good work on this bill.

Mr. Chairman, I rise today in support of this bill. In December of 1903, on the sands of Kitty Hawk, North Carolina, the Wright brothers achieved the milestone of manned, controlled, powered flight, and with that historic first flight, the aviation age was born. Since that time, the Federal Aviation Administration has developed alongside the aviation industry. We are here today obviously working on a 4-year reauthorization of that government agency.

The FAA does a lot of good things, but like every government agency, the FAA needs to be a good steward of taxpayer dollars. While the Subcommittee on Aviation was considering this bill, we heard from the General Accounting Office about $5.4 million in government credit card, also known as purchase cards, abuses by the employees of the FAA. Some examples of that abuse include purchase of Palm Pilots and accessories such as keyboards and leather cases from Coach costing almost $67,000. They also uncovered individual subscriptions to Internet service providers totaling $17,000; store gift cards to places like Home Depot, WalMart, and there are several other examples.

In their report, the GAO made a number of recommendations to strengthen FAA's internal controls of this purchase card program and decrease wasteful spending and improve accountability. I offered an amendment during consideration of this bill to direct the FAA administrator to implement the GAO's recommendations and then report back to Congress in 1 year and tell us how they are doing, and I am happy to report that the amendment was adopted.

Mr. Chairman, I believe we need to be better stewards of taxpayer dollars, and this small step will lead us in the right direction. The FAA is committed to a sound purchase card program and is taking action to strengthen controls, but we have an obligation to ensure that the FAA takes the necessary steps to manage their purchase card program responsibly.

Mr. Chairman, I think this is a good bill, and I urge my colleagues to support it today.

Mr. DEFAZIO. Mr. Chairman, could I inquire of the Chair as to the time available on each side?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 10¼ minutes remaining, and the gentleman from Florida (Mr. MICA) has 15 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation for the extraordinary leadership of this Committee on Transportation and Infrastructure and this subcommittee in general in working together to formulate this bill, and I especially would like to voice my support for section 420 of the bill which has important implications for the aviation safety.

Over the last several weeks, I have heard from aviation repair stations in the Dallas/Fort Worth area that have told horror stories about the manufacturers refusing to make critical maintenance data available. I was contacted by one repair facility located in the Fort Worth area that has had firsthand experience with the problem that section 420 seeks to remedy.

In 1999, one of the manufacturers whose products the facility is authorized to maintain was charging just under $5,000 to keep three maintenance manuals current for 3 years. Now that same manufacturer is charging more than $20,000 to keep those manuals current for just 1 year. That price increase is outrageous and unwarranted, and this is just one example of aviation manufacturers taking advantage of the small businesses, and small businesses hire more people in Texas than any other type of business.

Mr. Chairman, we cannot sit by and allow manufacturers to deny access to critical maintenance information, so that we can keep our planes safe for the skies. We cannot sit by as the FAA fails to enforce its own regulations. Section 420 will remedy this situation if it is allowed, and, in turn, we will improve aviation safety and security.

Mr. MICA. Mr. Chairman, I am pleased to yield 2¼ minutes to the gentleman from Arkansas (Mr. BOOZMAN), one of our most active members on our subcommittee.

Mr. BOOZMAN. Mr. Chairman, I rise today in support of H.R. 2115, and I commend the gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for their efforts to bring this legislation to the floor.

H.R. 2115 protects the needed investment in our aviation system, and while doing so, it addresses the needs of our small communities. Most of us here in Congress represent small community airports. There are only a few airports the size of Chicago, Atlanta, or Los Angeles. In fact, over 60 percent of our airports are small airports.

That is why it is so important that H.R. 2115 continues the Small Community Air Service Development Pilot Program. This program is devoted to developing air service to smaller communities. Fort Smith, Arkansas Regional Airport, from my District, was fortunate enough to be one of the 40 airports selected to participate in this program. I am pleased to report that the program has been instrumental in enhancing air service in Fort Smith. They are truly a success story. The continuation of the Small Community Air Service Pilot Program is very important to small airports.

Another feature of this bill that works to support needs of small communities is the continuation of Essential Air Service. I commend the entire Committee on Transportation and Infrastructure for working together to improve the EAS program. The gentleman from Kansas (Mr. MORAN) worked very hard on this program, and I thank him for his efforts.

EAS provides air service to rural airports that would normally not be able to support a commercial air carrier in their community. In my District, Boone County Airport in rural Harrison, Arkansas depends on the EAS program for commercial service. The continuation and full funding of EAS is necessary for these rural communities. They simply cannot afford to pay a high-cost share to sustain service, and above all, they cannot afford to lose service.

H.R. 2115 adequately funds the EAS program and creates a community choice program that will allow communities to take ownership.

I ask support for the legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the other gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the other gentleman from Oregon for his courtesy.

Mr. Chairman, the modern airport is a building block of a livable community. Air transportation is essential to cities being competitive in a global economy and being integrated into the national transportation framework.

It is time for us to start making plans for what the role of airports should be in the future so that they do not pose a threat to livability and are truly integrated with other modes of transportation.

The manager's amendment contains two items I think can help point the way towards better, long-term integration among aviation, rail, and surface modes. First, there is an effort to clarify and publicize how passenger facility charges can be used to assist in the development of ground access projects. For too many people, the worst part of the trip is trying to get to and from the airport.

Second, there is a provision that requires plans for airport and runway construction and expansion to be shared between the airports and the metropolitan planning organizations. Currently, there is no guarantee that the aviation and surface transportation agencies are even talking to each other, let alone actually planning together.

A sound transportation process includes all the players and respects their obligations and responsibilities, and it will work to the benefit of all.

Twelve years ago, with the ISTEA legislation, Congress started a revolution in how our communities' transportation services are provided. It gave local communities more flexibility and provided strong signals that it made sense to plan comprehensively and to work intermodally. It is time for us to think about the next step of the transportation revolution as it relates to aviation, and extend these concepts to the other interrelated modes of rail, aviation and surface transportation.

I appreciate the courtesy of the subcommittee in including these provisions in the bill to at least start some cooperation between the modes, and hopefully in the future we can break down those barriers further and make more progress to truly having an integrated, seamless transportation system with airplanes, the critical role that we know that it needs for tomorrow's future.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN), who is a member of our subcommittee who represents probably the largest aviation manufacturing facility, and does it so well, in the United States.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Florida (Mr. MICA) and the committee staff for the opportunity to be here today and for the quality piece of legislation that addresses many important concerns back home to the State of Kansas.

I am grateful for the opportunity that we have had to work together, particularly in regard to Essential Air Service reform. This is maybe the most significant reform we have had since this program was created 25 years ago.

The EAS provisions included in this bill give small and rural communities a greater role in the EAS process. Besides preserving its funding, it will also allow small communities to better tailor their local air service to their unique individual needs. It is vital small communities across the country remain connected to the national air network.

This legislation also provides increased funding for the AIP, Airport Improvement Program, that is essential in maintaining our Nation's airports, both large and small, and continues funding for our Nation's contract tower program, a vital program that improves the safety for small community airports.

Mr. Chairman, one section of the bill that remains a concern to me is section 420 that addresses the availability of maintenance information. This provision has some economic ramifications for aviation manufacturers. We discussed this issue in the full committee markup, and I appreciate my colleague's continued involvement and his responsiveness to the issue I have raised. The manager's amendment that the gentleman has offered will address some of the concerns. However, a couple of key safety and liability issues remain to be resolved.

Mr. Chairman, as my colleagues know, I drafted an amendment that I think would be a satisfactory compromise on this issue, which I will not offer, but would ask for the gentleman's continued support and discussion as we try to find satisfactory resolution to this issue that is very important to the aviation manufacturing industry.

I again thank the gentleman for all the efforts that he has put into this legislation.

□ 1430

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Kansas. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I do appreciate the serious concerns that the gentleman from Kansas has raised relating to the repair manuals and other information that should be made available, and we will work with the gentleman to make sure that the concerns raised are addressed.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Florida.

Mr. Chairman, let me begin by thanking you for your efforts in drafting H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. This legislation is vital for the continuation of our nation's aviation system.

I would like to thank you, Aviation Subcommittee Chairman MICA, and the Committee staff for your assistance in creating a quality piece of legislation that addresses many important concerns for state of Kansas.

I am grateful for the opportunity to work with you in crafting the most significant Essential Air Service (EAS) reform since the program's inception twenty-five years ago. The EAS provisions included in this bill give small and rural communities a greater role in the EAS process. Besides preserving funding, it will allow small communities to better tailor their local air service to their unique individual needs. It is vital that small communities across the country remain connected to the national air network.

Their legislation provides increased funding for the Airport Improvement Program (AIP)—essential in maintaining our nation's airports—both large and small. Also, this bill provides continued funding for our nation's contract tower program—a vital program that dramatically improves the safety of small community airports.

Mr. Chairman, one section remains that still concerns me—Section 420—the section that addresses the availability of maintenance information. As you know, this is a controversial provision because of its dramatic economic ramifications for aviation manufacturers—many of whom, I might add, are laying off workers and temporarily closing their production lines. Aviation manufacturing is vital to the Kansas economy. It is our second largest industry behind agriculture. Also, more than 60 percent of the general aviation aircraft produced in the United States originates in Kansas. We discussed this issue during the Full Committee markup and I am appreciative of your continue involvement and your responsiveness to the issues I raised. The manager's amendment does address my concerns with the bill's language addressing the cost of maintenance manuals.

I continue to have concerns with Section 420 because we have not held a hearing on the issue, we have not heard from the FAA or the NTSB on the issue, and no one has shown me evidence that this provision will address a safety problem, if one in fact exists. Also, I have yet to see evidence that manufacturers are over-charging for these manuals.

If the case has not been made that such an immediate safety issue exists, why is Congress getting involved in the economic regulation of the aviation industry? Mr. Chairman, unless it an urgent and significant safety issue, I think we should be reluctant to intervene in the marketplace. I still believe we should first ask the FAA to study this issue in order to define the key terms of this legislation. Why pull the trigger without asking questions first?

Mr. Chairman, I drafted an amendment that I believe is an amenable compromise on this issue. However, rather than offer an amendment on a little-known and complex issue, I ask that you continue to work with me, the aircraft manufacturers, and the repair station industry, so a mutually agreed upon compromise—one that satisfies all parties—can be crafted during conference. I specifically ask for you commitment to address the following issues:

(1) For safety purposes, language to protect manufacturer oversight;

(2) Manufacturer liability concerns;

(3) In keeping with the current scope of the regulation, to include in section (a) the terms ''type certificate holder,'' ''supplemental type certificate holder,'' and ''amended type certificate holder''; and

(4) The definition of ''design approval holder.''

Again, I sincerely thank you and your staff for adopting the language contained in the manager's amendment—this is definitely a step in the right direction. Mr. Chairman, again, thank you for your consideration and your assistance.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chairman, I thank the committee for what I think is a good bill. My purpose in rising today as this bill goes forward is simply to highlight the absolute dependence on some parts of our country on air service, and thus the absolute importance of the essential air services portion of the law and of this bill, and also the necessity as we go forward of avoiding one-size-fits-all thinking when we deal with the problems of our rural communities in addressing EAS.

In fact, imagine a district in which air service is truly indispensable to providing the basic necessities, to transporting residents, to providing emergency medical service, and to the survival and prosperity of our number one industry, tourism, and several other important industries based on, for example, agricultural exports.

That is Hawaii today, and that is my second district, a district that has all of Hawaii other than urban Honolulu and is composed of seven inhabited islands. It is absolutely unique.

Let me give an example of how this fits into one-size-fits-all thinking. A great deal of discussion is given in essential air services to how far airports are apart from each other, and both the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Pennsylvania (Mr. PITTS) are offering amendments which I fully support which deal with how far is an airport. Well, the airport on Molokai is somewhere around 40 miles from Honolulu International Airport. Not too far, but there is no road. No road. It is on another island, so we have to think about unique circumstances. The options are nonexistent, no driving, no highways, no rail, no trains, no Amtrak subsidies, no ferries, cannot do that. It is airplane, period.

We are also in a very difficult period of adjustment in our interisland air travel. One airline is now in bankruptcy so we face the possibility of a monopoly with fees increasing and capacity reducing. We do have EAS designation for three extremely rural airports in Hawaii, and that is very appropriate; but I could easily make the argument that all Hawaii airports, big or small, rural or urban, are essentially EAS airports.

In conclusion, I simply want to highlight the absolute necessity of EAS to States like Hawaii.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG), the former lieutenant governor of the State of Montana.

Mr. REHBERG. Mr. Chairman, I thank the gentleman for recognizing the differences between districts. The gentleman from New York (Mr. CROWLEY) is going to be speaking, and I want to highlight why essential air service is important to the State of Montana.

The gentleman from New York had to come all of the way to the State of Montana to find his future wife, but our districts could not be more dissimilar. He represents 75 square miles with LaGuardia in the middle. My district spans the distance from Washington, D.C. to Chicago. Washington, D.C. to Chicago. We have eight communities. When I travel back to my district, it takes me 7 hours to get to my district by air. I jump in a car, and just to get to one of the communities to have a listening session on an Indian reservation, it takes me another 6 hours to drive. We need essential air.

This country made a commitment in rail many years ago. It made a commitment in our interstate system many years ago, and it made a commitment to essential air service. I cannot think of a more appropriate name than essential air service.

When I came to Congress, I said I want to know about other people's districts so I know what kinds of things they are confronted with. I can see the problem between islands that the gentleman from Hawaii spoke about. People cannot swim necessarily between islands. Do you want grandmother and grandpa driving 324 miles to get to the hospital? They have no alternatives. They cannot get on Amtrak; they cannot call a cab and ride 324 miles to see their doctor. We need essential air service. This committee and this Congress has made that recognition through this bill, and I hope Members will look favorably upon the bill; and I thank the gentleman from Florida (Mr. MICA) for his hard work on this bill, and I thank the gentleman from New York (Mr. CROWLEY) for taking his wife and moving her to New York.

Mr. DEFAZIO. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 4½ minutes remaining, and the gentleman from Florida (Mr. MICA) has 9 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I would like to respond to the gentleman from Montana (Mr. REHBERG), but I do not have the time to do it right now.

I rise to engage in a colloquy with the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Florida (Mr. MICA) and call attention to the serious issue of noise pollution and the effects of airport noise in the communities surrounding LaGuardia Airport in Queens and the Bronx, New York, as well as the other communities surrounding the four airports of the Port Authority of New York and New Jersey.

To date, the Port Authority of New York and New Jersey has continually refused to provide for residential soundproofing for these homes or to undertake a part 150 noise compatibility study, which would allow the Port Authority to tap into tens of millions of Federal noise abatement dollars for residential soundproofing.

If one looks at the 10 largest airports in America, all of them spend money on residential soundproofing except the Port Authority of New York and New Jersey, which governs LaGuardia Airport, Kennedy Airport, Teterboro Airport, and Newark Airport.

While the Port Authority has contacted me to state they would be willing to work with my office and our congressional delegation, including the gentleman from New York (Mr. ACKERMAN), the gentlewoman from New York (Mrs. LOWEY), and the gentleman from New York (Mr. WEINER), to address these noise problems, it is my hope and the hope of the communities surrounding LaGuardia Airport that they will begin residential soundproofing of homes.

That is why I would like to address this issue and request assistance to work with me on crafting report language to make the Port Authority of New York and New Jersey a better and more responsible neighbor, so they will address noise problems created at their airports, especially as they affect residents living near these airports.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I commend the gentleman from New York (Mr. CROWLEY) on his fierce advocacy on this issue and the fact that we are beginning to see some movement on the part of the Port Authority. It is astounding they have not undertaken such a study. I want to continue to work with the gentleman and the Chair and others to see that we begin to move ahead on this issue.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I thank the gentleman for raising this important issue before the House, and I look forward to working with him to come to a fair solution to the problem raised by him.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a former member of the Committee on Transportation and the Infrastructure.

Mr. TERRY. Mr. Chairman, I rise in support of this important bill. It continues the philosophy embraced in AIR 21, which accomplished two significant things. First of all, it recognized the importance of the infrastructure of our airports and the necessity to modernize and expand. I am proud that this bill embraces that philosophy. The Omaha Epplay Airport at one time was one of the fastest growing airports in the Midwest and certainly requires additional infrastructure.

Also in regard to safety, once you are in the air with the capacity that is necessary to move people back and forth in today's economy, it is necessary that we modernize in that area; and I am proud that this bill continues to modernize and make air travel even safer.

I do, however, have concerns about what I call the ''front end security'' in our airports. That is a variety of different issues that, I think while the gentleman is helping air travel with this bill, I worry that with the convoluted, confusing airport security in our airports today that we are not chasing passengers away. The number of airports that I have walked through since we have adopted airport security, I see the number of screeners and baggage handlers more than double, but what I see is longer lines. From my view, just as efficient, if not less efficient, airport screening. I see different rules from one airport to another in regard to how they handle baggage and requirement of IDs.

I have heard from many of my constituents complaints about the arrogance of those people now checking the bags and the difficulties that they have had. We did not hear those types of stories before. Maybe some of that comes from the fact that the Federal security directors in these airports are mostly retired military.

Mr. Chairman, are these issues going to be addressed by the committee?

Mr. MICA. Mr. Chairman, I yield myself 30 seconds to answer the gentleman's question.

Mr. Chairman, I want to assure the gentleman from Nebraska that while we do not address in this particular legislative measure before us today security issues raised by the gentleman, they will be addressed in a separate piece of legislation that is now pending, consideration by leadership and homeland security. Certainly all of the issues that the gentleman raised have been raised by other Members, and we will try to right-size and correct some of the problems with TSA and aviation security.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the chairman of the full committee for the bipartisan way in which they have put together a very good bill.

Mr. Chairman, I ask Members to imagine their own district if general aviation or charters had been closed down since 9–11. Whether Members are from a small or large area, there would have been a demonstrable effect on the economy, and, indeed, on your way of life. And the last place one would expect that to happen is in the Nation's capital; but that is what has happened at Reagan National Airport, even though this area is a huge economic engine for the country because of the high-tech and other employers located here. And, of course, this is where the Nation's capital is located.

I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for having supported the reopening of general aviation at Reagan National after listening to all of the security concerns, including secured briefings. General aviation is up and operating everywhere else in the United States. Yes, at Dulles from whence the Pentagon plane came, at New York where the Twin Towers were struck, and at BWI. Why is it not up here, especially when the Reagan contractors have said they will submit to any plan imposed by the Transportation and Safety Agency? None has been forthcoming.

Mr. Chairman, there is a plan. We know there is a plan, and we know that the TSA was about to offer a plan more than a year ago; but no plan has been published. I had an amendment that said publish a plan and let us speak on it. No one would compel them to put a plan in operation. General aviation is not closed. It must be kept open for the convenience of the government. Therefore, there are two employees there for the convenience of Federal and State and local takeoffs and landings.

The lesson from 9–11 is that security takes place on the ground or else it does not take place at all. We have some fail-safes for planes. But general aviation or charters, it would be easy enough to impose absolute measures: special screening, limited takeoffs and landings. I could go on and on. We cannot allow 9–11 to shut down any part of the national economy. They have already done so here. It is a notch in their belts; let us take that notch away.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from North

Carolina (Mr. HAYES), a very knowledgeable member and a pilot who serves on our subcommittee.

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Mr. HAYES. Mr. Chairman, as a person with an experienced perspective on aviation and the role of aviation in promoting economic investment, I want to thank the gentleman from Florida (Mr. MICA), the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for their leadership in working with Members to craft this excellent current legislation which I strongly support.

Modernization of the air traffic control system through an innovative financing program that they have included in this bill is very helpful to provide the kind of safety that we seek in our air traffic control. Keeping air traffic control from being privatized is very important. We have done that in this bill. Funding. Providing significant increases in the AIP, Airport Improvement Fund, is important. We have done that. Streamlining provisions which allow for runways and expansion to be accelerated without compromising any of our environmental concerns is in this bill and vitally important to helping alleviate future congestion in the system.

All of these and many other provisions included in the bill will strengthen the aviation industry, our transportation system, and will grow our economy for future generations.

Mr. Chairman, I appreciate the efforts, I appreciate the attention that was paid to the fine personnel who operate the finest and safest air traffic control system in the world, and I appreciate Members' support for this bill.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I would like to engage the gentleman from Florida in a colloquy concerning section 521 of H.R. 2115.

Section 521 concerns what is known as ''general conformity'' under the Clean Air Act. As reported from the Committee on Transportation and Infrastructure, the provision would require joint action by the Department of Transportation and the Environmental Protection Agency regarding appropriate emission credits for airport projects. The section would also authorize a pilot program to retrofit airport ground equipment at airports located in nonattainment or maintenance areas, as defined in the Clean Air Act.

This provision is within the jurisdiction of the Committee on Energy and Commerce and the Subcommittee on Energy and Air Quality that I am chairman of. I share the broad goals of this provision, but I have some concerns regarding the current legislative language, including the requirement for joint action. While the language indicates provision of the credits should be ''consistent'' with the Clean Air Act, the current construction may be subject to misinterpretation. It may also be in conflict with the present statutory role of the Environmental Protection Agency under the Clean Air Act. Therefore, I would seek the gentleman's assurances that the Energy and Commerce Committee's interests will be protected in conference and that any final legislative language regarding section 521 be subject to the review and concurrence of the committee that I serve on.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Florida.

Mr. MICA. The gentleman has my assurances that this will be the case and that I will work with the gentleman to see that the appropriate changes are made in conference.

Mr. BARTON of Texas. I want to thank the gentleman from Florida for his assurances and look forward to working with him during the upcoming conference.

Mr. MICA. Mr. Chairman, I am pleased in the spirit of bipartisanship, the good spirit in which the legislation has been crafted together with both sides of the aisle, to yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished subcommittee chairman not just for yielding me this time but for the fact that this committee, I understand, has really been pretty fair to the Washington area, because I know the pressure that is on the committee with regard to National Airport, to expand the slots not just incrementally but exponentially because everyone would like the convenience of National Airport and a lot of the airlines would like transcontinental flights.

But we have a very serious concern. I know the chairman knows that, I know the gentleman from Minnesota (Mr. OBERSTAR) is aware of that and the gentleman from Alaska (Mr. YOUNG), all of the people that have been involved in this know that there was an agreement signed back in 1986 where the Washington area took over the financing and operational responsibility for National and Dulles airports. The deal was that the Congress would not micromanage. Yet we do have 20 additional slots here and we have 12 slots that go beyond the 1,250-mile perimeter rule which was a very basic part of that agreement. The gentlewoman from the District of Columbia (Ms. NORTON) and I have a very serious concern with expanding those slots. What we would like at least is an agreement that we will take out the so-called ''come see me'' provision so this would be the end of the slot expansion and we would like to get general aviation opened. I know that the gentleman from Florida (Mr. MICA) has been working on general aviation. It is very important to our economy but important to so many economies throughout the country. It does not make sense to keep general aviation closed.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank again the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Oregon (Mr. DEFAZIO), and particularly the gentleman from Alaska (Mr. YOUNG) for their leadership in putting this legislation together. There are a number of difficult issues. I particularly again want to reiterate thanks to the staff who have worked long and hard to bring this measure in rapid order before the House of Representatives.

Mr. Chairman, this is a vital piece of legislation. I think all we have to do is look back on the events of September 11. If you took American aviation for granted, certainly that day was an awakening. Every day since September 11, we have struggled to get back on our feet. We have seen the hundreds of thousands of jobs that have been lost in our economy as a result of damage done not only by the events of September 11 but the struggling difficulties of our major air carriers. We take aviation for granted in this United States. It has provided a magic carpet, a way of life unknown by any people who have ever walked the face of this Earth, but it has become a part of the very fabric of our society. This legislation will set our policy for the next 4 years as far as aviation, so it is very important.

We heard from the gentleman from Virginia and the gentlewoman from the District of Columbia how a closedown in just general aviation has affected the Nation's capital and the areas they represent. We cannot have that anywhere. We are willing to work with them and work with all to make certain that we restore this vital industry, that we restore jobs and that we protect a way of life for the American people. That is, to travel again in a manner in which only we can think about today and only 100 years ago the Wright brothers could dream about.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to voice my concerns over this legislation.

Every few year, we return to the issue of adding slots at Reagan National. Every few years we tinker around with the Washington area airports in ways that congress shouldn't be tinkering.

It might be more convenient for some people to have the flights they want on airlines they want to favor, but these actions have real effects on the economy of my district in ways that I believe are not fully appreciated.

Three airports—Reagan National, Dulles, and Baltimore/Washington, serve Washington, D.C. region. Our region—my district—has developed around the services these airports provide. Along the Reston corridor one can see all the tech firms that have established themselves over recent years. One of the main reasons—one of the main selling points—for these companies to locate in

Northern Virginia was the fact that Dulles airport provided an accessible, convenient transportation hub for flights all over the globe.

It is not a secret that the airline industry is in deep financial trouble. United Airlines, which operates 60 percent of the flights at Dulles, is struggling to emerge from bankruptcy. They are struggling to deal with the fallout from the War in Iraq, SARS, terrorism—and they are facing increased pressure form the bankruptcy court to abandon their Dulles hub. Understand that continuing to divert traffic away from Dulles, especially long-haul traffic, gives more fuel to those who would have United leave Dulles.

I hope you understand why this is so important to me. This isn't solely a debate about noise and increased air traffic, although those are important issues to my constituents as well. It is a debate about continuing to erode the cornerstone of the Northern Virginia high-tech corridor.

That said, it seems a little unfair that if we must continue to add outside-the-perimeter slots at National, that we do not allow U.S. Airways—the airline that has put so many resources into making Reagan National a world-class airport—the opportunity get any of them. U.S. Airways is also an important part of our economy in Northern Virginia. They have done an outstanding job to re-emerge from bankruptcy, and I think it is time we started recognizing the contributions they have made for the National Capital Region.

To close, I would love to see an end to Congressional micromanagement in MWAA affairs. I am hopeful this will eventually happen. Until then, understand the true nature of my opposition to adding more long-haul flights to National.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 2115, Flight 100, the Century of Aviation Reauthorization Act. This is a good bill and I urge my colleagues to join me in supporting this legislation.

When this Congress passed AIR–21 in 2000, we significantly increased funding for aviation programs, especially the Airport Improvement Program (AIP), in order to increase capacity to help cope with record high aviation traffic and unprecedented delays.

While air traffic has declined in the last three years due to a variety of factors, including the attacks of September 11th, the slumping economy and the SARS outbreak, no one expects these declines to be permanent, and the FAA is forecasting a return to record levels in 2006. Our Nation's aviation infrastructure needs to be prepared for this growth in traffic, and this bill keeps us on track to do so.

Flight 100 authorizes $58.9 billion over four years for the programs and activities of the FAA, including $14.3 billion for FY04. It continues the budgetary protections that allowed us to increase funding in AIR–21, and continues to provide slightly increased annual funding for the AIP program.

In addition, the bill increases the entitlement for cargo airports, prohibits the privatization of air traffic controllers, allows airports to use some of their AIP money to modify terminals to install explosive detection systems, extends the government's ability to offer war-risk insurance until 2007 for domestic flights and increases the amount that airports in the military airport program may use for terminal development, parking lots, fuel farms or hanger construction.

Mr. Chairman, which this bill does not do everything that I would like it to do, overall it continues good aviation policies and will serve to strengthen our aviation infrastructure over the next four years. I urge my colleagues to join me in voting yes for this bill.

Mr. CASE. Mr. Chairman, my purpose in rising today is to highlight the absolute dependence of some parts of our country on air service and thus the absolute importance of the Essential Air Services (EAS) portions of the law and of this bill, and also the necessity as we go forward of avoiding one-size-fits-all thinking when we deal with the problems of our rural communities in providing EAS.

Imagine a district in which air service is truly indispensable to providing the basic necessities, to transporting residents, to providing emergency medical service, and to the survival and prosperity of its number one industry, tourism, and several other important industries like agriculture which are based on exports.

That's Hawaii today, and that's my Second District—a district that has all of Hawaii other than urban Honolulu, and is composed of seven inhabited islands—it's absolutely unique. And let me give an example of how this uniqueness doesn't work with one-size-fits-all thinking. A great deal of EAS discussion concerns how far airports are apart from each other. And both Mr. Peterson and Mr. Pitts are offering amendments today, which I fully support, that deal with ''How far apart are airports?'' Well, the airport on Molokai is somewhere around 40 miles from Honolulu International Airport as the crow flies. Not too far. But guess what—no road. No road, it's on another island. So we've got to think about unique circumstances in designing legislation.

The options are nonexistent for air service on these islands. No driving, no highways, no rail, no trains, no Amtrak subsidies, no ferries—can't do that. It's air, period!

We are also in a very difficult period of adjustment in our interisland air travel. Essentially we've had a duopoly—and one airline is now in bankruptcy so we face the possibility of a monopoly. And fees are increasing rapidly while capacity is decreasing.

We do have EAS designation for three extremely rural airports in Hawaii, and that is very appropriate. But I could easily make the argument that all Hawaii airports—big or small, rural or urban—are essentially EAS airports.

So in conclusion, I simply want to highlight, as this bill goes forward, the absolute necessity of EAS for states like Hawaii, and to say: think about unique circumstances.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 108–146, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flight 100—Century of Aviation Reauthorization Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Additional reauthorizations.
Sec. 105. Insurance.
Sec. 106. Pilot program for innovative financing for terminal automation replacement systems.

TITLE II—AIRPORT PROJECT STREAMLINING

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Promotion of new runways.
Sec. 204. Airport project streamlining.
Sec. 205. Governor's certificate.
Sec. 206. Construction of certain airport capacity projects.
Sec. 207. Limitations.
Sec. 208. Relationship to other requirements.

TITLE III—FEDERAL AVIATION REFORM

Sec. 301. Management advisory committee members.
Sec. 302. Reorganization of the Air Traffic Services Subcommittee.
Sec. 303. Clarification of the responsibilities of the Chief Operating Officer.
Sec. 304. Small Business Ombudsman.
Sec. 305. FAA purchase cards.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

Sec. 401. Improvement of aviation information collection.
Sec. 402. Data on incidents and complaints involving passenger and baggage security screening.
Sec. 403. Definitions.
Sec. 404. Clarifications to procurement authority.
Sec. 405. Low-emission airport vehicles and ground support equipment.
Sec. 406. Streamlining of the passenger facility fee program.
Sec. 407. Financial management of passenger facility fees.
Sec. 408. Government contracting for air transportation.
Sec. 409. Overflights of national parks.
Sec. 410. Collaborative decisionmaking pilot program.
Sec. 411. Availability of aircraft accident site information.
Sec. 412. Slot exemptions at Ronald Reagan Washington National Airport.
Sec. 413. Notice concerning aircraft assembly.
Sec. 414. Special rule to promote air service to small communities.
Sec. 415. Small community air service.
Sec. 416. Type certificates.
Sec. 417. Design organization certificates.
Sec. 418. Counterfeit or fraudulently represented parts violations.
Sec. 419. Runway safety standards.
Sec. 420. Availability of maintenance information.
Sec. 421. Certificate actions in response to a security threat.
Sec. 422. Flight attendant certification.
Sec. 423. Civil penalty for closure of an airport without providing sufficient notice.
Sec. 424. Noise exposure maps.

Sec. 425. Amendment of general fee schedule provision.
Sec. 426. Improvement of curriculum standards for aviation maintenance technicians.
Sec. 427. Task force on future of air transportation system.
Sec. 428. Air quality in aircraft cabins.
Sec. 429. Recommendations concerning travel agents.
Sec. 430. Task force on enhanced transfer of applications of technology for military aircraft to civilian aircraft.
Sec. 431. Reimbursement for losses incurred by general aviation entities.
Sec. 432. Impasse procedures for National Association of Air Traffic Specialists.
Sec. 433. FAA inspector training.
Sec. 434. Prohibition on air traffic control privatization.
Sec. 435. Airfares for members of the Armed Forces.
Sec. 436. Air carriers required to honor tickets for suspended air service.
Sec. 437. International air show.
Sec. 438. Definition of air traffic controller.
Sec. 439. Justification for air defense identification zone.
Sec. 440. International air transportation.
Sec. 441. Reimbursement of air carriers for certain screening and related activities.
Sec. 442. General aviation flights at Ronald Reagan Washington National Airport.

TITLE V—AIRPORT DEVELOPMENT

Sec. 501. Definitions.
Sec. 502. Replacement of baggage conveyor systems.
Sec. 503. Security costs at small airports.
Sec. 504. Withholding of program application approval.
Sec. 505. Runway safety areas.
Sec. 506. Disposition of land acquired for noise compatibility purposes.
Sec. 507. Grant assurances.
Sec. 508. Allowable project costs.
Sec. 509. Apportionments to primary airports.
Sec. 510. Cargo airports.
Sec. 511. Considerations in making discretionary grants.
Sec. 512. Flexible funding for nonprimary airport apportionments.
Sec. 513. Use of apportioned amounts.
Sec. 514. Military airport program.
Sec. 515. Terminal development costs.
Sec. 516. Contract towers.
Sec. 517. Airport safety data collection.
Sec. 518. Airport privatization pilot program.
Sec. 519. Innovative financing techniques.
Sec. 520. Airport security program.
Sec. 521. Low-emission airport vehicles and infrastructure.
Sec. 522. Compatible land use planning and projects by State and local governments.
Sec. 523. Prohibition on requiring airports to provide rent-free space for Federal Aviation Administration.
Sec. 524. Midway Island Airport.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

''(A) $7,591,000,000 for fiscal year 2004;
''(B) $7,732,000,000 for fiscal year 2005;
''(C) $7,889,000,000 for fiscal year 2006; and
''(D) $8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

''(2) OPERATION OF CENTER FOR MANAGEMENT AND DEVELOPMENT.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Center for Management Development of the Federal Aviation Administration to operate at least 200 courses each year and to support associated student travel for both residential and field courses.

''(3) AIR TRAFFIC MANAGEMENT SYSTEM.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment and operation of a new office to develop, in coordination with the Department of Defense, the National Aeronautics and Space Administration, and the Department of Homeland Security, the next generation air traffic management system and a transition plan for the implementation of that system. The office shall be known as the 'Next Generation Air Transportation System Joint Program Office'.

''(4) HELICOPTER AND TILTROTOR PROCEDURES.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment of helicopter and tiltrotor approach and departure procedures using advanced technologies, such as the Global Positioning System and automatic dependent surveillance, to permit operations in adverse weather conditions to meet the needs of air ambulance services.

''(5) ADDITIONAL AIR TRAFFIC CONTROLLERS.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended to hire additional air traffic controllers in order to meet increasing air traffic demands and to address the anticipated increase in the retirement of experienced air traffic controllers.

''(6) COMPLETION OF ALASKA AVIATION SAFETY PROJECT.—Out of amounts appropriated under paragraph (1), $6,000,000 may be expended for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

''(7) AVIATION SAFETY REPORTING SYSTEM.—Out of amounts appropriated under paragraph (1), $3,400,000 may be expended on the Aviation Safety Reporting System.''.

(b) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather airline data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

(c) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator of the Federal Aviation Administration shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is called for in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—The Administrator shall complete development of the strategy not later than 1 year after the date of enactment of this Act.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

(d) GOALS AND OBJECTIVES OF AVIATION SAFETY REPORTING SYSTEM.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,138,000,000 for fiscal year 2004;
''(2) $2,993,000,000 for fiscal year 2005;
''(3) $3,053,000,000 for fiscal year 2006; and
''(4) $3,110,000,000 for fiscal year 2007.'';

(2) by striking subsection (b);

(3) by redesignating (c) as subsection (b);

(4) by striking subsections (d) and (e) and inserting the following:

''(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

''(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 through 2007 may be used to document and demonstrate the operational benefits of a wake vortex advisory system.

''(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 to 2007 may be used to establish a program for the installation, operation, and maintenance of a closed-loop precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and has been certified or approved by the Administrator.''; and

(5) in subsection (f)—

(A) by striking ''for fiscal years beginning after September 30, 2000''; and

(B) by inserting ''may be used'' after ''necessary''.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 1998'' and inserting ''September 30, 2003''; and

(2) by striking paragraphs (1) through (5) and inserting:

''(1) $3,400,000,000 for fiscal year 2004;
''(2) $3,600,000,000 for fiscal year 2005;
''(3) $3,800,000,000 for fiscal year 2006; and
''(4) $4,000,000,000 for fiscal year 2007.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

SEC. 104. ADDITIONAL REAUTHORIZATIONS.

(a) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—Section 47124(b)(3)(E) is amended by striking ''$6,000,000 per fiscal year'' and inserting ''$6,500,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007''.

(b) SMALL COMMUNITY AIR SERVICE.—Section 41743(e)(2) is amended—

(1) by striking ''and'' the first place it appears and inserting a comma; and

(2) by inserting after ''2003'' the following '', and $35,000,000 for each of fiscal years 2004 through 2008''.

(c) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41766 is amended by striking ''2003'' and inserting ''2007''.

(d) FUNDING FOR AVIATION PROGRAMS.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is amended by striking ''2003'' each place it appears and inserting ''2007''.

(e) DESIGN-BUILD CONTRACTING.—Section 139(e) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47104 note) is amended by striking ''2003'' and inserting ''2007''.

(f) METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking ''2004'' and inserting ''2007''.

SEC. 105. INSURANCE.

(a) TERMINATION.—Section 44310 is amended to read as follows:

''§ 44310. Termination date

''Effective December 31, 2007, the authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter shall be limited to—

''(1) the operation of an aircraft by an air carrier or foreign air carrier in foreign air commerce or between at least 2 points, all of which are outside the United States; and

''(2) insurance obtained by a department, agency, or instrumentality of the United States under section 44305.''.

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended by striking ''through December 31, 2004,'' and inserting ''thereafter''.

(c) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: ''The Secretary may extend the provisions of this subsection to the United States manufacturer (as defined in section 44310) of the aircraft of the air carrier involved.''.

(d) VENDORS, AGENTS, SUBCONTRACTORS, AND MANUFACTURERS.—

(1) IN GENERAL.—Chapter 443 is amended—

(A) by redesignating section 44310 (as amended by subsection (a) of this section) as section 44311; and

(B) by inserting after section 44309 the following:

''§ 44310. Vendors, agents, subcontractors, and manufacturers

''(a) IN GENERAL.—The Secretary of Transportation may extend the application of any provision of this chapter to a loss by a vendor, agent, and subcontractor of an air carrier and a United States manufacturer of an aircraft used by an air carrier but only to the extent that the loss involved an aircraft of an air carrier.

''(b) UNITED STATES MANUFACTURER DEFINED.—In this section, the term 'United States manufacturer' means a manufacturer incorporated under the laws of a State of the United States and having its principal place of business in the United States.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 443 is amended by striking the item relating to section 44310 and inserting the following:

''44310. Vendors, agents, subcontractors, and manufacturers.
''44311. Termination date.''.

(e) TECHNICAL CORRECTIONS.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking ''to carry out foreign policy'' and inserting ''to carry out the foreign policy''.

SEC. 106. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS.

(a) IN GENERAL.—In order to test the cost-effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending a contract, subject to section 1341 of title 31, United States Code, of more than one, but not more than 20, fiscal years to purchase and install terminal automation replacement systems for the Administration. Such amendments may be for more than one, but not more than 10 fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost-effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, $200,000,000 shall be used to carry out this section.

TITLE II—AIRPORT PROJECT STREAMLINING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Airport Streamlining Approval Process Act of 2003''.

SEC. 202. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 203. PROMOTION OF NEW RUNWAYS.

Section 40104 is amended by adding at the end the following:

''(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47178.''.

SEC. 204. AIRPORT PROJECT STREAMLINING.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47153 the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''§ 47171. DOT as lead agency

''(a) AIRPORT PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.

''(b) COORDINATED REVIEWS.—

''(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

''(d) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

''(e) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

''(f) EFFECT OF FAILURE TO MEET DEADLINE.—

''(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

''(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to

complete or issue the required review, analysis, opinion, permit, license, or approval.

''(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

''(h) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

''(i) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.

''(j) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

''§ 47172. Categorical exclusions

''Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

''§ 47173. Access restrictions to ease construction

''At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction—

''(1) is necessary to mitigate those impacts and expedite construction of the runway;

''(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

''(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

''§ 47174. Airport revenue to pay for mitigation

''(a) IN GENERAL.—Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that—

''(1) the mitigation measures are included as part of, or support, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

''(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

''(b) MITIGATION OF AIRCRAFT NOISE.—Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

''§ 47175. Airport funding of FAA staff

''(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

''(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

''(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(3) shall remain available until expended.

''(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

''§ 47176. Authorization of appropriations

''In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

''§ 47177. Designation of aviation safety and aviation security projects for priority environmental review

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety or aviation security project for priority environmental review. The Administrator may not delegate this designation authority.

''(b) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. Such guidelines shall include consideration of—

''(1) the importance or urgency of the project;

''(2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(3) the need for cooperation and concurrent reviews by other Federal or State agencies; and

''(4) the prospect for undue delay if the project is not designated for priority review.

''(c) COORDINATED ENVIRONMENTAL REVIEWS.—

''(1) TIMELINES AND HIGH PRIORITY FOR COORDINATED ENVIRONMENTAL REVIEWS.—The Administrator, in consultation with the heads of affected agencies, shall establish specific timelines for the coordinated environmental review of an aviation safety or aviation security project designated under subsection (a). Such timelines shall be consistent with the timelines established in existing laws and regulations. Each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals shall accord any such review a high priority and shall conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(d) STATE PARTICIPATION.—

''(1) INVITATION TO PARTICIPATE.—If a priority environmental review process is being implemented under this section with respect to a project within the boundaries of a State with applicable State environmental requirements and approvals, the Administrator shall invite the State to participate in the process.

''(2) STATE CHOICE.—A State invited to participate in a priority environmental review process, consistent with State law, may choose to participate in such process and direct that all State agencies, which have jurisdiction by law to conduct an environmental review or analysis of the project to determine whether to issue an environmentally related permit, license, or approval for the project, be subject to the process.

''(e) FAILURE TO GIVE PRIORITY REVIEW.—

''(1) NOTICE.—If the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that such noncompliance is undermining the environmental review process, the Secretary shall notify, within 30 days of such determination, the head of the Federal agency or, with respect to a State agency, the Governor of the State.

''(2) REPORT TO SECRETARY.—A Federal agency that receives a copy of a notification relating to that agency made by the Secretary under paragraph (1) shall submit, within 30 days after receiving such copy, a written report to the Secretary explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take.

''(3) NOTIFICATION OF CEQ AND COMMITTEES.—If the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time following a notification under paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Council on Environmental Quality.

''(f) PROCEDURAL PROVISIONS.—The procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

''(g) DEFINITIONS.—In this section, the following definitions apply:

''(1) AVIATION SAFETY PROJECT.—The term 'aviation safety project' means an aviation project that—

''(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft

and property, as determined by the Administrator; and

''(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board; or

''(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

''(2) AVIATION SECURITY PROJECT.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.

''(3) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the United States Government.

''§ 47178. Definitions

''In this subchapter, the following definitions apply:

''(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

''(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

''(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—

''(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

''(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of such title is amended by adding at the end the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''47171. DOT as lead agency.
''47172. Categorical exclusions.
''47173. Access restrictions to ease construction.
''47174. Airport revenue to pay for mitigation.
''47175. Airport funding of FAA staff.
''47176. Authorization of appropriations.
''47177. Designation of aviation safety and aviation security projects for priority environmental review.
''47178. Definitions.''.

SEC. 205. GOVERNOR'S CERTIFICATE.

Section 47106(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)(A) by striking ''stage 2'' and inserting ''stage 3'';

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 206. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) of title 49, United States Code, is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking ''and'' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(4) by adding at the end the following:

''(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.''.

SEC. 207. LIMITATIONS.

Nothing in this title, including any amendment made by this title, shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 208. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this title shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

TITLE III—FEDERAL AVIATION REFORM

SEC. 301. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting ''AND AIR TRAFFIC SERVICES BOARD'' after ''COUNCIL''; and

(2) in paragraph (2)—

(A) by striking ''consist of'' and all that follows through ''members, who'' and inserting ''consist of 13 members, who'';

(B) by inserting after ''Senate'' in subparagraph (C)(i) '', except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation'';

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting ''; and''; and

(D) by striking ''employees, by—'' in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting ''employees, by the Secretary of Transportation.''.

SEC. 302. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

(1) in paragraph (3)—

(A) by striking ''(A) NO FEDERAL OFFICER OR EMPLOYEE.—'';

(B) by striking ''or (2)(E)'' and inserting ''or to the Air Traffic Services Board''; and

(C) by striking subparagraphs (B) and (C);

(2) in paragraph (4)(C) by inserting ''or Air Traffic Services Board'' after ''Council'' each place it appears;

(3) in paragraph (5) by inserting '', the Air Traffic Services Board,'' after ''Council'';

(4) in paragraph (6)(C)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';

(B) by striking ''member'' and inserting ''members'';

(C) by striking ''under paragraph (2)(E)'' the first place it appears and inserting ''to the Air Traffic Services Board''; and

(D) by striking ''of the members first'' and all that follows through the period at the end and inserting ''the first members of the Board shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act who shall serve as members of the Board until their respective terms as members of the Subcommittee would have ended under this subparagraph, as in effect on such day.'';

(5) in paragraph (6)(D) by striking ''under paragraph (2)(E)'' and inserting ''to the Board'';

(6) in paragraph (6)(E) by inserting ''or Board'' after ''Council'';

(7) in paragraph (6)(F) by inserting ''of the Council or Board'' after ''member'';

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking ''Council'' and inserting ''Board''; and

(B) by striking ''appointed under paragraph (2)(E)'';

(9) in paragraph (6)(H)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';

(B) by striking ''under paragraph (2)(E)'' in clause (i) and inserting ''to the Board''; and

(C) by striking ''Air Traffic Services Subcommittee'' and inserting ''Board'';

(10) in paragraph (6)(I)(i)—

(A) by striking ''appointed under paragraph (2)(E) is'' and inserting ''is serving as''; and

(B) by striking ''Subcommittee'' and inserting ''Board'';

(11) in paragraph (6)(I)(ii)—

(A) by striking ''appointed under paragraph (2)(E)'' and inserting ''who is a member of the Board''; and

(B) by striking ''Subcommittee'' and inserting ''Board'';

(12) in paragraph (6)(K) by inserting ''or Board'' after ''Council'';

(13) in paragraph (6)(L) by inserting ''or Board'' after ''Council'' each place it appears; and

(14) in paragraph (7)—

(A) by striking ''SUBCOMMITTEE'' in the paragraph heading and inserting ''BOARD'';

(B) by striking subparagraph (A) and inserting the following:

''(A) ESTABLISHMENT.—The Administrator shall establish a board that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, into such board. The board shall be known as the Air Traffic Services Board (in this subsection referred to as the 'Board').'';

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

''(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Board shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

''(i) shall have a fiduciary responsibility to represent the public interest;

''(ii) shall be citizens of the United States; and

''(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

''(C) PROHIBITIONS ON MEMBERS OF BOARD.—No member of the Board may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.'';

(E) by striking ''Subcommittee'' each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting ''Board'';

(F) by striking ''approve'' in subparagraph (E)(v)(I) (as so redesignated) and inserting ''make recommendations on'';

(G) by striking ''request'' in subparagraph (E)(v)(II) (as so redesignated) and inserting ''recommendations'';

(H) by striking ''ensure that the budget request supports'' in subparagraph (E)(v)(III) (as so redesignated) and inserting ''base such budget recommendations on'';

(I) by striking ''The Secretary shall submit'' in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E) and inserting ''The Secretary shall submit the budget recommendations referred to in clause (v) to the President who shall transmit such recommendations to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate together with the annual budget request of the Federal Aviation Administration.'';

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

''(F) BOARD PERSONNEL MATTERS.—The Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties, and may procure temporary and intermittent services under section 40122.'';

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking ''Subcommittee'' each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting ''Board'';

(L) in subparagraph (H) (as so redesignated)—

(i) by striking ''Subcommittee'' each place it appears and inserting ''Board'';

(ii) by striking ''Administrator, the Council'' each place it appears in clauses (i) and (ii) and inserting ''Secretary''; and

(iii) in clause (ii) by striking ''(B)(i)'' and inserting ''(D)(i)''; and

(M) by adding at the end the following:

''(I) AUTHORIZATION.—There are authorized to be appropriated to the Board such sums as may be necessary for the Board to carry out its activities.''.

SEC. 303. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking ''Air Traffic Services Subcommittee of the Aviation Management Advisory Council'' and inserting ''Air Traffic Services Board'';

(2) in paragraph (2)(B) by inserting ''in'' before ''paragraph (3).'';

(3) in paragraph (3) by striking ''Air Traffic Control Subcommittee of the Aviation Management Advisory Committee'' and inserting ''Air Traffic Services Board'';

(4) in paragraph (4) by striking ''Transportation and Congress'' and inserting ''Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate'';

(5) in paragraph (5)(A)—

(A) by striking ''develop a'' and inserting ''implement the''; and

(B) by striking '', including the establishment of'' and inserting ''in order to further'';

(6) in paragraph (5)(B)—

(A) by striking ''review'' and all that follows through ''Administration,'' and inserting ''oversee the day-to-day operational functions of the Administration for air traffic control,'';

(B) by striking ''and'' at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) the management of cost-reimbursable contracts.'';

(7) in paragraph (5)(C)(i) by striking ''prepared by the Administrator'';

(8) in paragraph (5)(C)(ii) by striking ''and the Secretary of Transportation'' and inserting ''and the Board''; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting ''agency's'' before ''annual''; and

(B) by striking ''developed under subparagraph (A) of this subsection.'' and inserting ''for air traffic control services.''.

SEC. 304. SMALL BUSINESS OMBUDSMAN.

Section 106 is amended by adding at the end the following:

''(s) SMALL BUSINESS OMBUDSMAN.—

''(1) ESTABLISHMENT.—There shall be in the Administration a Small Business Ombudsman.

''(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

''(A) be appointed by the Administrator;

''(B) serve as a liaison with small businesses in the aviation industry;

''(C) be consulted when the Administrator proposes regulations that may affect small businesses in the aviation industry;

''(D) provide assistance to small businesses in resolving disputes with the Administration; and

''(E) report directly to the Administrator.''.

SEC. 305. FAA PURCHASE CARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled ''FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets'', numbered GAO–03–405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

SEC. 401. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL.—Section 329(b)(1) is amended by striking ''except that in no case'' and all that follows through the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 402. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:

''(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

''(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist the Secretary of Transportation in the publication of data under paragraph (1), the Secretary of Homeland Security shall submit monthly to the Secretary of Transportation a report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

SEC. 403. DEFINITIONS.

(a) IN GENERAL.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

''(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

''(36) 'passenger boardings'—

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

''(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.'';

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

''(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.'';

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

''(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.''.

(b) CONFORMING AMENDMENTS.—

(1) AIR SERVICE TERMINATION NOTICE.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(A) in subsection (c)(1) by striking ''(as that term is defined in section 41731(a)(5))''; and

(B) in subsection (f) by striking ''(as defined in section 41731(a)(3))''.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.—Section 41744(b) is amended by striking ''(as defined in section 41731)''.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 404. CLARIFICATIONS TO PROCUREMENT AUTHORITY.

(a) DUTIES AND POWERS.—Section 40110(c) is amended—

(1) by striking ''Administration—'' and all that follows through ''(2) may—'' and inserting ''Administration may—'';

(2) by striking subparagraph (D);

(3) by redesignating subparagraphs (A), (B), (C), (E), and (F) as paragraphs (1), (2), (3), (4), and (5) respectively; and

(4) by moving such paragraphs (1) through (5) 2 ems to the left.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking '', not later than January 1, 1996,''; and

(B) by striking ''provides for more timely and cost-effective acquisitions of equipment and materials.'' and inserting the following:

''provides for—

''(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

''(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.''; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

''(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107.''.

(c) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES.—Section 106(f)(2)(A)(ii) is amended by inserting '', services,'' after ''property''.

SEC. 405. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

''(G) A project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology (as defined in section 47102) or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

''(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.''.

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (3) the following:

''(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.''.

SEC. 406. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

''(E) The agency will include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

''(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.'';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

''(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

''(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies who may be affected, which public notice may include—

''(i) publication in local newspapers of general circulation;

''(ii) publication in other local media; and

''(iii) posting the notice on the agency's Web site.

''(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

''(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).''; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking ''shall'' and inserting ''may''.

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

''(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

''(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

''(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. This shall include—

''(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

''(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

''(C) the level of the passenger facility fee that is proposed.

''(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

''(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

''(6) DEADLINE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

''(7) SUNSET.—This subsection shall not be in effect 3 years after the date of issuance of regulations to carry out this subsection.

''(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order of the Secretary issued under section 46110.''.

(c) CLARIFICATION OF APPLICABILITY OF PFCS TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking ''and'' at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(4) by inserting after subparagraph (E) the following:

''(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.''.

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking ''for costs'' and inserting ''A project''; and

(2) by striking the semicolon and inserting a period.

SEC. 407. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

(a) IN GENERAL.—Section 40117 is further amended by adding at the end the following:

''(m) FINANCIAL MANAGEMENT OF FEES.—

''(1) HANDLING OF FEES.—

''(A) PLACEMENT OF FEES IN ESCROW ACCOUNT.—Subject to subparagraph (B), passenger facility revenue held by an air carrier or any of its agents shall be segregated from the carrier's cash and other assets and placed in an escrow account for the benefit of the eligible agencies entitled to such revenue.

''(B) ALTERNATIVE METHOD OF COMPLIANCE.—Instead of placing amounts in an escrow account under subparagraph (A), an air carrier may provide to the eligible agency a letter of credit, bond, or other form of adequate and immediately available security in an amount equal to estimated remittable passenger facility fees for 180 days, to be assessed against later audit, upon which security the eligible agency shall be entitled to draw automatically, without necessity of any further legal or judicial action to effectuate foreclosure.

''(2) TRUST FUND STATUS.—If an air carrier or its agent commingles passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

''(3) PROHIBITION.—An air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

''(4) COMPENSATION TO ELIGIBLE ENTITIES.—An air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

''(5) INTEREST ON AMOUNTS.—An air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts, if the accounts are established and maintained in compliance with this subsection.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

(2) EXISTING REGULATIONS.—Beginning 60 days after the date of enactment of this Act, the provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall have no force or effect.

SEC. 408. GOVERNMENT CONTRACTING FOR AIR TRANSPORTATION.

(a) GOVERNMENT-FINANCED AIR TRANSPORTATION.—Section 40118(f)(2) is amended by inserting before the period at the end the following: '', except that it shall not include a contract for the transportation by air of passengers''.

(b) AIRLIFT SERVICE.—Section 41106(b) is amended by inserting after ''military department'' the following: '', or by a person that has contracted with the Secretary of Defense or the Secretary of a military department,''.

SEC. 409. OVERFLIGHTS OF NATIONAL PARKS.

(a) AIR TOUR MANAGEMENT ACT CLARIFICATIONS.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting '', as defined by this section,'' after ''lands'' the first place it appears;

(2) in subsections (b)(3)(A), (b)(3)(B), and (b)(3)(C) by inserting ''over a national park'' after ''operations'';

(3) in subsection (b)(3)(D) by striking ''at the park'' and inserting ''over a national park'';

(4) in subsection (b)(3)(E) by inserting ''over a national park'' after ''operations'' the first place it appears;

(5) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting ''over a national park'' after ''operations'';

(6) in subsection (f)(1) by inserting ''over a national park'' after ''operation'';

(7) in subsection (f)(4)(A)—

(A) by striking ''commercial air tour operation'' and inserting ''commercial air tour operation over a national park''; and

(B) by striking ''park, or over tribal lands,'' and inserting ''park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),'';

(8) in subsection (f)(4)(B) by inserting ''over a national park'' after ''operation''; and

(9) in the heading for paragraph (4) of subsection (f) by inserting ''OVER A NATIONAL PARK'' after ''OPERATION''.

(b) GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA OPERATION CURFEW.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may not restrict commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park during the period beginning 1 hour after sunrise and ending 1 hour before sunset, unless required for aviation safety purposes.

(2) EFFECT ON EXISTING REGULATIONS.—Beginning on the date of enactment of this Act, section 93.317 of title 14, Code of Federal Regulations, shall not be in effect.

SEC. 410. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40129. Collaborative decisionmaking pilot program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

''(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

''(c) GUIDELINES.—

''(1) ISSUANCE.—The Administrator shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall define the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program and that prescribe the methods of communication to be implemented among carriers during such an event.

''(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

''(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication.

''(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 3 airports to participate in the pilot program from among the most capacity-constrained airports in the country based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

''(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

''(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

''(h) EVALUATION.—

''(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

''(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

''(i) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (h) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40129. Collaborative decisionmaking pilot program.''.

SEC. 411. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking ''the air carrier'' the third place it appears; and

(2) by adding at the end the following:

''(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.''.

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

''(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

''(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the

foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.''.

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 412. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''12'' and inserting ''24''.

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking ''12'' and inserting ''20''; and

(2) by striking ''that were designated as medium hub or smaller airports''.

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking ''two'' and inserting ''3''.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking ''four'' and inserting ''six''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by striking ''eight'' and inserting ''ten''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) four shall be for air transportation to airports without regard to their size.''.

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

''(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.''.

(e) EFFECT OF PERIMETER RULES ON COMPETITION AND AIR SERVICE.—

(1) IDENTIFICATION OF OTHER AIRPORTS.—The Secretary of Transportation shall identify airports (other than Ronald Reagan Washington National Airport) that have imposed perimeter rules like those in effect with respect to Ronald Reagan Washington National Airport.

(2) LIMITATION ON APPLICABILITY.—This subsection does not apply to perimeter rules imposed by Federal law.

(3) STUDY.—The Secretary shall conduct a study of the effect that perimeter rules for airports identified under paragraph (1) have on competition and on air service to communities outside the perimeter.

(4) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(f) EFFECT OF CHANGING DEFINITION OF COMMUTER AIR CARRIER.—

(1) STUDY.—The Secretary shall study the effects of changing the definition of commuter air carrier in regulations of the Federal Aviation Administration to increase the maximum size of aircraft of such carriers to 76 seats or less on air service to small communities and on commuter air carriers operating aircraft with 56 seats or less.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 413. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41722. Notice concerning aircraft assembly

''The Secretary of Transportation shall require, beginning after the last day of the 1-year period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

''41721. Reports by carriers on incidents involving animals during air transport.
''41722. Notice concerning aircraft assembly.''.

SEC. 414. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES.

(a) IN GENERAL.—Subchapter I of chapter 417 is further amended by adding at the end the following:

''§ 41723. Special rule to promote air service to small communities

''In order to promote air service to small communities, the Secretary of Transportation shall permit an operator of a turbine powered or multiengine piston powered aircraft with 10 passenger seats or less (1) to provide air transportation between an airport that is a nonhub airport and another airport or between an airport that is not a commercial service airport and another airport, and (2) to sell individual seats on that aircraft at a negotiated price, if the aircraft is otherwise operated in accordance with parts 119 and 135 of title 14, Code of Federal Regulations, and the air transportation is otherwise provided in accordance with part 298 of such title 14.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is further amended by adding at the end the following:

''41723. Special rule to promote air service to small communities.''.

SEC. 415. SMALL COMMUNITY AIR SERVICE.

(a) COMPENSATION GUIDELINES, LIMITATION, AND CLAIMS.—

(1) PAYMENT OF PROMOTIONAL AMOUNTS.—Section 41737(a)(2) is amended by inserting before the period at the end ''or may be paid directly to the unit of local government having jurisdiction over the eligible place served by the air carrier''.

(2) LOCAL SHARE.—Section 41737(a) is amended by adding at the end the following:

''(3) PAYMENT OF COST BY LOCAL GOVERNMENT.—

''(A) GENERAL REQUIREMENT.—The guidelines may require a unit of local government having jurisdiction over an eligible place that is less than 170 miles from a medium or large hub or less than 75 miles from a small hub or a State within the boundaries of which the eligible place is located to pay 2.5 percent in fiscal year 2005, 5 percent in fiscal year 2006, 7.5 percent in fiscal year 2007, and 10 percent in fiscal year 2008 of the amount of compensation payable under this subchapter for air transportation with respect to the eligible place to ensure the continuation of that air transportation.

''(B) WAIVER.—The Secretary may waive the requirement, or reduce the amount, of a payment from a unit of local government under subparagraph (A) if the Secretary finds that—

''(i) the unit of local government lacks the ability to pay; and

''(ii) the loss of essential air service to the eligible place would have an adverse effect on the eligible place's access to the national air transportation system.

''(C) DETERMINATION OF MILEAGE.—In determining the mileage between the eligible place and a hub under this paragraph, the Secretary shall use the most commonly used highway route between the eligible place and the hub.''.

(3) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—Section 41737(d) is amended—

(A) by striking ''(1) The Secretary'' and inserting the ''The Secretary''; and

(B) by striking paragraph (2).

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(1) in the heading of subsection (a) by striking ''PILOT'';

(2) in subsection (a) by striking ''pilot'';

(3) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as so redesignated)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the assistance can be used in the fiscal year in which it is received.''; and

(4) in subsection (f) by striking ''pilot''.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended—

(1) in subsection (a)(2) by striking ''$15,000,000'' and inserting ''$65,000,000'';

(2) by adding at the end of subsection (a) the following:

''(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.''; and

(3) by striking subsection (c).

(d) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—Section 41734 is amended by adding at the end the following:

''(i) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—If the Secretary determines that no subsidy will be provided to a carrier to provide essential air service to an eligible place because the eligible place does not meet the requirements of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note; 113 Stat. 1022), the Secretary shall notify the affected community that the subsidy will cease but shall continue to provide the subsidy for 90 days after providing the notice to the community.''.

(e) JOINT PROPOSALS.—Section 41740 is amended by inserting '', including joint fares,'' after ''joint proposals''.

(f) COMMUNITY AND REGIONAL CHOICE PROGRAM.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41745. Community and regional choice program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

''(b) COMPENSATION TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may pay compensation directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

''(c) USE OF COMPENSATION.—A unit of local government or State receiving compensation for an eligible place under the program shall use the compensation for any of the following purposes:

''(1) To provide assistance to an air carrier to provide scheduled air service to and from the eligible place, without being subject to the requirements of 41732(b).

''(2) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

''(3) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

''(4) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible

places in that region at an airport or other transportation center that can serve all the eligible places in that region.

''(5) To purchase aircraft, or a fractional share in aircraft, to provide transportation to and from the eligible place.

''(6) To pay for other transportation or related services that the Secretary may permit.

''(d) FRACTIONALLY OWNED AIRCRAFT.—Notwithstanding any other provision of law, only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (c)(5) is used to provide transportation described in subsection (c)(5).

''(e) APPLICATIONS.—

''(1) IN GENERAL.—A unit of local government or State seeking to participate in the program for an eligible place shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

''(A) a statement of the amount of compensation required; and

''(B) a description of how the compensation will be used.

''(f) PARTICIPATION REQUIREMENTS.—

''(1) ELIGIBLE PLACES.—An eligible place for which compensation is received under the program in a fiscal year shall not be eligible to receive in that fiscal year the essential air service that it would otherwise be entitled to under this subchapter.

''(2) GOVERNMENTAL ENTITIES.—A unit of local government or State receiving compensation for an eligible place under the program in a fiscal year shall not be required to pay the local share described in 41737(a)(3) in such fiscal year.

''(g) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this section in a fiscal year shall not be prohibited from participating in the basic essential air service program under this chapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

''(h) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41744 the following:

''41745. Community and regional choice program.''.

SEC. 416. TYPE CERTIFICATES.

(a) AGREEMENTS TO PERMIT USE OF CERTIFICATES BY OTHER PERSONS.—Section 44704(a) is amended by adding at the end the following:

''(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if the person is the holder of the type certificate or has permission from the holder.''.

(b) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—Section 44704 is further amended by adding at the end the following:

''(e) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—In order to ensure safety, the Administrator shall spend at least the same amount of time and perform a no-less-thorough review in certifying, or validating the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in a foreign nation as the regulatory authorities of that nation employ when the authorities certify, or validate the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in the United States.''.

SEC. 417. DESIGN ORGANIZATION CERTIFICATES.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting ''design organization certificates,'' after ''airman certificates,''.

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is further amended by adding at the end the following:

''(f) DESIGN ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

''(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

''(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—On receiving an application for a type certificate under subsection (a) that is accompanied by a certification of compliance by a design organization certificated under this subsection, instead of conducting an independent investigation under subsection (a), the Administrator may issue the type certificate based on the certification of compliance.

''(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.''.

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting ''design organization, production certificate holder,'' after ''appliance,''.

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking ''agency'' and inserting ''agency, design organization certificate, ''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

''§ 44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.''.

SEC. 418. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended—

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

(2) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) whose certificate is revoked under subsection (b); or''; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking ''convicted of such a violation.'' and inserting ''described in subparagraph (A) or (B).''.

SEC. 419. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44727. Runway safety areas

''An airport owner or operator shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44727. Runway safety areas.''.

SEC. 420. AVAILABILITY OF MAINTENANCE INFORMATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44728. Availability of maintenance information

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 21.50(b) of title 14, Code of Federal Regulations, that the holder of a design approval—

''(1) shall prepare and furnish at least one set of complete instructions for continued airworthiness as prescribed in such section to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery or upon the issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later; and

''(2) thereafter shall make the instructions, and any changes thereto, available to any other person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of the instructions.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a cost not to exceed the cost of preparation and distribution.

''(2) DESIGN APPROVAL.—The term 'design approval' means a type certificate, supplemental type certificate, amended type certificate, parts manufacturer approval, technical standard order authorization, and any other action as determined by the Administrator pursuant to subsection (c)(2).

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth the methods, techniques, and practices for performing maintenance and alteration on civil aircraft, aircraft engines, propellers, appliances or any part installed thereon. Such information may include maintenance, repair, and overhaul manuals, standard practice manuals, service bulletins, service letters, or similar documents issued by a design approval holder.

''(c) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding for the following purposes:

''(1) To determine the meaning of the phrase 'essential to continued airworthiness' of the applicable aircraft, aircraft engine, and propeller as that term is used in parts 23 through 35 of title 14, Code of Federal Regulations.

''(2) To determine if a design approval should include, in addition to those approvals specified in subsection (b)(2), any other activity in which

persons are required to have technical data approved by the Administrator.

''(3) To revise existing rules to reflect the definition of design approval holder in subsections (b)(2) and (c)(2).

''(4) To determine if design approval holders that prepared instructions for continued airworthiness or maintenance manuals before January 29, 1981, should be required to make the manuals available (including any changes thereto) to any person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of those manuals.

''(5) To require design approval holders that—

''(A) are operating an ongoing business concern;

''(B) were required to produce maintenance manuals or instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations; and

''(C) have not done so,

to prepare those documents and make them available as required by this section not later than 1 year after date on which the regulations are published.

''(6) To revise its rules to reflect the changes made by this section.

''(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44728. Availability of maintenance information.''.

SEC. 421. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:

''§ 46111. Certificate actions in response to a security threat

''(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

''(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

''(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

''(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

''(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

''(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

''(g) CLASSIFIED EVIDENCE.—

''(1) IN GENERAL.—The Under Secretary, in consultation with the Administrator, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducting under this section, may substitute an unclassified summary of classified evidence upon the approval of the administrative law judge.

''(2) APPROVAL AND DISAPPROVAL OF SUMMARIES.—Under the procedures, an administrative law judge shall—

''(A) approve a summary if the judge finds that it is sufficient to enable the certificate holder to appeal an order issued under subsection (a); or

''(B) disapprove a summary if the judge finds that it is not sufficient to enable the certificate holder to appeal such an order.

''(3) MODIFICATIONS.—If an administrative law judge disapproves a summary under paragraph (2)(B), the judge shall direct the Under Secretary to modify the summary and resubmit the summary for approval.

''(4) INSUFFICIENT MODIFICATIONS.—If an administrative law judge is unable to approve a modified summary, the order issued under subsection (a) that is the subject of the hearing shall be set aside unless the judge finds that such a result—

''(A) would likely cause serious and irreparable harm to the national security; or

''(B) would likely cause death or serious bodily injury to any person.

''(5) SPECIAL PROCEDURES.—If an administrative law judge makes a finding under subparagraph (A) or (B) of paragraph (4), the hearing shall proceed without an unclassified summary provided to the certificate holder. In such a case, subject to procedures established by regulation by the Under Secretary in consultation with the Administrator, the administrative law judge shall appoint a special attorney to assist the accused by—

''(A) reviewing in camera the classified evidence; and

''(B) challenging, through an in camera proceeding, the veracity of the evidence contained in the classified information.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:

''46111. Certificate actions in response to a security threat.''.

SEC. 422. FLIGHT ATTENDANT CERTIFICATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44729. Flight attendant certification

''(a) CERTIFICATE REQUIRED.—

''(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

''(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

''(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

''(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

''(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

''(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

''(1) be numbered and recorded by the Administrator;

''(2) contain the name, address, and description of the individual to whom the certificate is issued;

''(3) contain the name of the air carrier that employs or will employ the certificate holder on the date that the certificate is issued;

''(4) is similar in size and appearance to certificates issued to airmen;

''(5) contain the airplane group for which the certificate is issued; and

''(6) be issued not later than 30 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

''(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

''(f) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44729. Flight attendant certification.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 423. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46319. Closure of an airport without providing sufficient notice

''(a) PROHIBITION.—A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

''(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

''(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

''46319. Closure of an airport without providing sufficient notice.''.

SEC. 424. NOISE EXPOSURE MAPS.

Section 47503 is amended—

(1) in subsection (a) by striking ''1985,'' and inserting ''a forecast period that is at least 5 years in the future''; and

(2) by striking subsection (b) and inserting the following:

''(b) REVISED MAPS.—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.''.

SEC. 425. AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.

The amendment made by section 119(d) of the Aviation and Transportation Security Act (115 Stat. 629) shall not be affected by the savings provisions contained in section 141 of that Act (115 Stat. 643).

SEC. 426. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) MINIMUM TRAINING HOURS.—In making adjustments to the maintenance curriculum requirements pursuant to this section, the current requirement of 1900 minimum training hours shall be maintained.

(d) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(e) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(f) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 427. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The President shall establish a task force to work with the Next Generation Air Transportation System Joint Program Office authorized under section 106(k)(3).

(b) MEMBERSHIP.—The task force shall be composed of representatives, appointed by the President, from air carriers, general aviation, pilots, and air traffic controllers and the following government organizations:

(1) The Federal Aviation Administration.

(2) The National Aeronautics and Space Administration.

(3) The Department of Defense.

(4) The Department of Homeland Security.

(5) The National Oceanic and Atmospheric Administration.

(6) Other government organizations designated by the President.

(c) FUNCTION.—The function of the task force shall be to develop an integrated plan to transform the Nation's air traffic control system and air transportation system to meet its future needs.

(d) PLAN.—Not later than 1 year after the date of establishment of the task force, the task force shall transmit to the President and Congress a plan outlining the overall strategy, schedule, and resources needed to develop and deploy the Nation's next generation air traffic control system and air transportation system.

SEC. 428. AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled ''The Airliner Cabin Environment and the Health of Passengers and Crew''.

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew; and

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the allergens, diseases, and other contaminants to which passengers and crew were exposed.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 429. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 430. TASK FORCE ON ENHANCED TRANSFER OF APPLICATIONS OF TECHNOLOGY FOR MILITARY AIRCRAFT TO CIVILIAN AIRCRAFT.

(a) IN GENERAL.—The President shall establish a task force to look for better methods for ensuring that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

(b) MEMBERSHIP.—The task force shall be composed of the Secretary of Transportation who shall be the chair of the task force and representatives, appointed by the President, from the following:

(1) The Department of Transportation.

(2) The Federal Aviation Administration.

(3) The Department of Defense.

(4) The National Aeronautics and Space Administration.

(5) The aircraft manufacturing industry.

(6) Such other organizations as the President may designate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the task force shall report to Congress on the methods looked at by the task force for ensuring the transfer of applications described in subsection (a).

SEC. 431. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001, or the military action to free the people of Iraq that commenced in March 2003:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/0199 and 3/1862 and section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (P.L. 108–7, Division I).

(4) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(5) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term ''general aviation entity'' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 432. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS.

(a) FAILURE OF CURRENT NEGOTIATIONS.—If, within 30 days after the date of enactment of this Act, the Federal Aviation Administration and the exclusive bargaining representative of

the National Association of Air Traffic Specialists have failed to achieve agreement through a mediation process of the Federal Mediation and Conciliation Service, the current labor negotiation shall be treated for purposes of this section to have failed.

(b) SUBMISSION TO IMPASSE PANEL.—Not later than 30 days after the negotiation has failed under subsection (a), the parties to the negotiation shall submit unresolved issues to the Federal Service Impasses Panel described in section 7119(c) of title 5, United States Code, for final and binding resolution.

(c) ASSISTANCE.—The Panel shall render assistance to the parties in resolving their dispute in accordance with section 7119 of title 5, United States Code, and parts 2470 and 2471 of title 5, Code of Federal Regulations.

(d) DETERMINATION.—The Panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the Panel shall specify the basis for its findings, taking into consideration such relevant factors as are normally and customarily considered in the determination of wages or impasse Panel proceedings. The Panel shall also take into consideration the financial ability of the Administration to pay.

(e) EFFECT OF PANEL DETERMINATION.—The determination of the Panel shall be final and binding upon the parties for the period prescribed by the Panel or a period otherwise agreed to by the parties.

(f) REVIEW.—The determination of the Panel shall be subject to review in the manner prescribed in chapter 71 of title 5, United States Code.

SEC. 433. FAA INSPECTOR TRAINING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ''FAA inspectors'').

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 434. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.

(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United States Government.

(b) CONTRACT TOWER PROGRAM.—Subsection (a) shall not apply to the contract tower program authorized by section 47124 of title 49, United States Code.

SEC. 435. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 436. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note; 115 stat. 645) is amended by striking ''more than'' and all that follows through ''after'' and inserting ''more than 36 months after''.

SEC. 437. INTERNATIONAL AIR SHOW.

(a) STUDY.—The Secretary of Transportation shall study the feasibility of the United States hosting a world-class international air show.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations concerning potential locations at which the air show could be held.

SEC. 438. DEFINITION OF AIR TRAFFIC CONTROLLER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by adding at the end the following:

''(29) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by adding at the end the following:

''(35) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(c) MANDATORY SEPARATION TREATMENT NOT AFFECTED.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect on the 60th day after the date of enactment of this Act; and

(2) shall apply with respect to—

(A) any annuity entitlement to which is based on an individual's separation from service occurring on or after that 60th day; and

(B) any service performed by any such individual before, on, or after that 60th day, subject to subsection (e).

(e) DEPOSIT REQUIRED FOR CERTAIN PRIOR SERVICE TO BE CREDITABLE AS CONTROLLER SERVICE.—

(1) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (b) shall, with respect to any service described in paragraph (2), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(A) the deductions from pay which would have been required for such service if the amendments made by this section had been in effect when such service was performed, exceeds

(B) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title 5 with respect to such service.

The amount under the preceding sentence shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(2) PRIOR SERVICE DESCRIBED.—This subsection applies with respect to any service performed by an individual, before the 60th day following the date of enactment of this Act, as an

employee described in section 8401(35)(B) of such title 5 (as set forth in subsection (b)).

SEC. 439. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an ''ADIZ''), the Administrator shall transmit, not later than 60 days after the date of establishing the ADIZ, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DEFINITION.—In this section, the terms ''Air Defense Identification Zone'' and ''ADIZ'' each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 440. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define ''Fifth Freedom'' and ''Seventh Freedom'' consistently for both scheduled and charter passenger and cargo traffic.

SEC. 441. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Transportation, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports are still performing or continuing to be responsible for, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions if such space and facilities have been previously used, or were intended to be used, for revenue-producing purposes.

SEC. 442. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

It is the sense of Congress that Ronald Reagan Washington National Airport should be open to general aviation flights as soon as possible.

TITLE V—AIRPORT DEVELOPMENT

SEC. 501. DEFINITIONS.

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

''(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

''(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

''(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

''(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).''.

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking ''(as defined in section 41731 of this title)''.

SEC. 502. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: ''; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.''.

SEC. 503. SECURITY COSTS AT SMALL AIRPORTS.

(a) SECURITY COSTS.—Section 47102(3)(J) is amended to read as follows:

''(J) in the case of a nonhub airport or an airport that is not a primary airport in fiscal year 2004, direct costs associated with new, additional, or revised security requirements imposed on airport operators by law, regulation, or order on or after September 11, 2001, if the Government's share is paid only from amounts apportioned to a sponsor under section 47114(c) or 47114(d)(3)(A).''.

(b) CONFORMING AMENDMENT.—Section 47110(b)(2) is amended—

(1) in subparagraph (D) by striking '', 47102(3)(K), or 47102(3)(L)''; and

(2) by aligning the margin of subparagraph (D) with the margin of subparagraph (B).

SEC. 504. WITHHOLDING OF PROGRAM APPLICATION APPROVAL.

Section 47106(d) is amended—

(1) in paragraph (1) by striking ''section 47114(c) and (e) of this title'' and inserting ''subsections (c), (d), and (e) of section 47114''; and

(2) by adding at the end the following:

''(4) If the Secretary withholds a grant to an airport from the discretionary fund under section 47115 or from the small airport fund under section 47116 on the grounds that the sponsor has violated an assurance or requirement of this subchapter, the Secretary shall follow the procedures of this subsection.''.

SEC. 505. RUNWAY SAFETY AREAS.

Section 47106 is amended by adding at the end the following:

''(h) RUNWAY SAFETY AREAS.—The Secretary may approve an application under this chapter for a project grant to construct, reconstruct, repair, or improve a runway only if the Secretary receives written assurances, satisfactory to the Secretary, that the sponsor will undertake, to the maximum extent practical, improvement of the runway's safety area to meet the standards of the Federal Aviation Administration.''.

SEC. 506. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c) is amended by adding at the end the following:

''(4) Notwithstanding paragraph (2)(A)(iii), an airport owner or operator may retain all or any portion of the proceeds from a land disposition described in that paragraph if the Secretary finds that the use of the land will be compatible with airport purposes and the proceeds retained will be used for airport development or to carry out a noise compatibility program under section 47504(c).''.

SEC. 507. GRANT ASSURANCES.

(a) HANGAR CONSTRUCTION.—Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and''; and

(3) by adding at the end the following:

''(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease (of not less than 50 years) that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.''.

(b) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting ''or any other governmental entity'' after ''sponsor''.

(c) AUDIT CERTIFICATION.—Section 47107(m) is amended—

(1) in paragraph (1) by striking ''promulgate regulations that'' and inserting ''include a provision in the compliance supplement provisions to'';

(2) in paragraph (1) by striking ''and opinion of the review''; and

(3) by striking paragraph (3).

SEC. 508. ALLOWABLE PROJECT COSTS.

(a) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Section 47110 is amended—

(1) in subsection (f) by striking ''subsection (d)'' and inserting ''subsections (d) and (h)''; and

(2) by adding at the end the following:

''(h) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Notwithstanding subsection (f)(1), a cost of constructing or modifying a public parking facility for passenger automobiles to comply with a regulation or directive of the Department of Homeland Security shall be treated as an allowable airport development project cost.''.

(b) DEBT FINANCING.—Section 47110 is further amended by adding at the end the following:

''(i) DEBT FINANCING.—In the case of an airport that is not a medium hub airport or large hub airport, the Secretary may determine that allowable airport development project costs include payments of interest, commercial bond insurance, and other credit enhancement costs associated with a bond issue to finance the project.''.

(c) CLARIFICATION OF ALLOWABLE COSTS..—Section 47110(b)(1) is amended by inserting before the semicolon at the end ''and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type''.

(d) TECHNICAL AMENDMENTS.—Section 47110(e) is amended by aligning the margin of paragraph (6) with the margin of paragraph (5).

SEC. 509. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) FORMULA CHANGES.—Section 47114(c)(1)(A) is amended by striking clauses (iv) and (v) and by inserting the following:

''(iv) $.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year;

''(v) $.50 cents for each of the next 2,500,000 passenger boardings at the airport during the prior calendar year; and

''(vi) $.45 cents for each additional passenger boarding at the airport during the prior calendar year.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Section 47114(c)(1) is amended by adding at the end the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

''(i) the passenger boardings at the airport were below 10,000 in calendar year 2002;

''(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

''(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.''.

SEC. 510. CARGO AIRPORTS.

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking ''ONLY''; and

(2) in subparagraph (A) by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 511. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

''(d) CONSIDERATIONS.—

''(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

''(A) the effect that the project will have on overall national transportation system capacity;

''(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

''(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

''(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

''(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

''(2) FOR ALL PROJECTS.—In selecting a project for a grant described in paragraph (1), the Secretary shall consider whether—

''(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

''(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.''.

SEC. 512. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) IN GENERAL.—Section 47117(c) is amended to read as follows:

''(c) USE OF SPONSOR'S APPORTIONED AMOUNTS AT PUBLIC USE AIRPORTS.—

''(1) OF SPONSOR.—An amount apportioned to a sponsor of an airport under section 47114(c) or 47114(d)(3)(A) is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

''(2) IN SAME STATE OR AREA.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under section 47114(c) or 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.''.

(b) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting ''or 47114(d)(3)(A)'' after ''under section 47114(c)''.

(c) ALLOWABLE PROJECT COSTS.—Section 47110 is further amended—

(1) in subsection (b)(2)(C) by striking ''of this title'' and inserting ''or section 47114(d)(3)(A)'';

(2) in subsection (g)—

(A) by inserting ''or section 47114(d)(3)(A)'' after ''of section 47114(c)''; and

(B) by striking ''of project'' and inserting ''of the project''; and

(3) by adding at the end the following:

''(j) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.''.

(d) TERMINAL DEVELOPMENT COSTS.—Section 47119(b) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(3) by adding at the end the following:

''(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).''.

SEC. 513. USE OF APPORTIONED AMOUNTS.

(a) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(A) is amended—

(1) by striking ''of this title'' the first place it appears and inserting a comma; and

(2) by striking ''of this title'' the second place it appears and inserting '', for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47140, and for airport development described in section 47102(3)(F) or 47102(3)(K) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)''.

(b) ELIMINATION OF SUPER RELIEVER SET-ASIDE.—Section 47117(e)(1)(C) is repealed.

(c) RECOVERED FUNDS.—Section 47117 is further amended by adding at the end the following:

''(h) TREATMENT OF CANCELED OR REDUCED GRANT OBLIGATIONS.—For the purpose of determining compliance with a limitation, enacted in an appropriations Act, on the amount of grant obligations of funds made available by section 48103 that may be incurred in a fiscal year, an amount that is recovered by canceling or reducing a grant obligation of funds made available by section 48103 shall be treated as a negative obligation that is to be netted against the obligation limitation as enacted and thus may permit the obligation limitation to be exceeded by an equal amount.''.

SEC. 514. MILITARY AIRPORT PROGRAM.

Subsections (e) and (f) of section 47118 are each amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

SEC. 515. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:

''(a) REPAYING BORROWED MONEY.—

''(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

''(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

''(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

''(B) that is a designated airport under section 47118 in fiscal year 2003; and

''(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

''(A) the sponsor submits the certification required under section 47110(d);

''(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

''(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money.

''(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).''.

SEC. 516. CONTRACT TOWERS.

Section 47124(b) is amended—

(1) in paragraph (1) by striking ''on December 30, 1987,'' and inserting ''on date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the heading for paragraph (3) by striking ''PILOT'';

(3) in paragraph (4)(C) by striking ''$1,100,000'' and inserting ''$1,500,000''; and

(4) by striking ''pilot'' each place it appears.

SEC. 517. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

''§ 47130. Airport safety data collection

''Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.''.

SEC. 518. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

''(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total

landed weight of all aircraft landing at the airport during such year; or

''(ii) by the Secretary at any nonprimary airport after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.''.

(b) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by inserting ''and'' at the end of paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 519. INNOVATIVE FINANCING TECHNIQUES.

(a) ELIGIBLE PROJECTS.—Section 47135(a) is amended—

(1) in the first sentence by inserting after ''approve'' the following: ''after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the first sentence by striking ''20'' and inserting ''10''; and

(3) by striking the second sentence and inserting the following: ''Such projects shall be located at airports that are not medium or large hub airports.''.

(b) INNOVATIVE FINANCING TECHNIQUES.—Section 47135(c)(2) is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(c) SAVINGS CLAUSE.—The amendments made by this section shall not affect applications approved under section 47135 of title 49, United States Code, before the date of enactment of this Act.

SEC. 520. AIRPORT SECURITY PROGRAM.

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.''.

SEC. 521. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) EMISSIONS CREDITS.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47138. Emission credits for air quality projects

''(a) IN GENERAL.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such agreement must include, at a minimum, the following conditions:

''(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

''(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

''(3) Credits are calculated and provided to airports on a consistent basis nationwide.

''(4) Credits are provided to airport sponsors in a timely manner.

''(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

''(b) ASSURANCE OF RECEIPT OF CREDITS.—

''(1) IN GENERAL.—As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47139 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47139, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

''(2) AGREEMENT ON PREVIOUSLY APPROVED PROJECTS.—The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to provide emission credits to airport projects previously approved under section 47136 under terms consistent with the conditions enumerated in this section.''.

(b) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47139. Airport ground support equipment emissions retrofit pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

''(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

''(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.''.

(c) ADDITION TO AIRPORT DEVELOPMENT.—Section 47102(3) is further amended by striking subparagraphs (K) and (L) and inserting the following:

''(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47138.

''(L) converting vehicles and ground support equipment owned by a commercial service airport to low-emission technology or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(d) ALLOWABLE PROJECT COST.—Section 47110(b) is further amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of a project for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that is not described in section 47102(3) and that include low-emission technology, if the total costs allowed for the project are not more than the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary.''.

(e) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 501 of this Act) is further amended by inserting after paragraph (10) the following:

''(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.''.

(f) CONFORMING AMENDMENTS.—The analysis of subchapter I of chapter 471 is amended by adding at the end the following:

''47138. Emission credits for air quality projects.
''47139. Airport ground support equipment emissions retrofit pilot program.''.

SEC. 522. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47140. Compatible land use planning and projects by State and local governments

''(a) IN GENERAL.—The Secretary of Transportation may make grants from amounts set aside under section 47117(e)(1)(A) to States and units of local government for land use compatibility plans or projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations if—

''(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the past 10 years; and

''(2) the land use plan meets the requirements of this section and any project resulting from the plan meets such requirements.

''(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

''(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

''(2) provide written assurance to the Secretary that it will work with the affected airport to identify and adopt such measures; and

''(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

''(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be awarded under this section for a land use plan or a project resulting from such a plan to provide—

''(1) assurances satisfactory to the Secretary that the plan—

''(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

''(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other projects under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

''(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

''(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

''(E) has received concurrence by the airport operator prior to adoption by the State or unit of local government; and

''(2) such other assurances as the Secretary determines to be necessary to carry out this section.

''(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require the State or unit of local government to which a grant may be awarded under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

''(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a land use compatibility project only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, that the State or unit of local government has provided the assurances required by this section, that the Secretary has received evidence that the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with Federal standards.

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

''47140. Compatible land use planning and projects by State and local governments.''.

SEC. 523. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47141. Prohibition on rent-free space requirements for Federal Aviation Administration

''(a) IN GENERAL.—The Secretary of Transportation may not require an airport sponsor to provide to the Federal Aviation Administration, without compensation, space in a building owned by the sponsor and costs associated with such space for building construction, maintenance, utilities, and other expenses.

''(b) NEGOTIATED AGREEMENTS.—Subsection (a) does not prohibit—

''(1) the negotiation of agreements between the Secretary and an airport sponsor to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration without cost or at below-market rates; or

''(2) the Secretary of Transportation from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47141. Prohibition on rent-free space requirements for Federal Aviation Administration.''.

SEC. 524. MIDWAY ISLAND AIRPORT.

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO THE SECRETARY OF INTERIOR FOR MIDWAY ISLAND AIRPORT.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

''§ 48114. Funding to the Secretary of Interior for Midway Island Airport

''The following amounts shall be available (and shall remain available until expended) to the Secretary of Interior, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), for airport capital projects at the Midway Island Airport:

''(1) $750,000 for fiscal year 2004.

''(2) $2,500,000 for fiscal year 2005.

''(3) $1,000,000 for fiscal year 2006.

''(4) $1,000,000 for fiscal year 2007.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

''48114. Funding to the Secretary of Interior for Midway Island Airport.''.

TITLE VI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY.

Paragraph (1) of section 9502(d) of the Internal revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 2003'' and inserting ''October 1, 2007'', and

(2) by inserting ''or the flight 100—Century of Aviation Reauthorization Act'' before the semicolon at the end of subparagraph (A).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report or pursuant to the previous order of the House, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the previous order of the House, it is now in order to consider amendment No. 5 printed in part B of House Report 108–146.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

At the end of title V of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 525. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume. The American economy is in the midst of a manufacturing crisis. Over the past 3 years, we have lost 2.6 million jobs. The latest Bureau of Labor Statistics reports show that for 34 straight months, we have had a coring out of our manufacturing base, losing 53,000 manufacturing jobs each month. These jobs are necessary, many of them, to help out with our defense industrial base. They include such basic products as tools, dies and molds.

In 1981, Rockford, Illinois, the largest city in the congressional district I represent, led the Nation with unemployment at 24.9 percent. Today it is around 11 percent. I do not want to see a recurrence of 1981. We are in danger of seeing our industrial base irreparably harmed. Unlike the past when factories were closed during an economic downturn but reopened when times improved, today a too frequent outcome is the permanent closure of a factory. The jobs leave forever. The young people entering the workforce do not have a manufacturing career

choice left open to them. My own constituents have been impacted by the bankruptcy of several manufacturers since this downturn began.

Mr. Chairman, the bleeding continues. Since 1933, the Buy American Act has safeguarded the interests of American manufacturers by requiring the Federal Government to purchase domestically manufactured products for government usage. To qualify as a domestic product, the content cost of the components must be ''substantially all'' produced in America. Most people would say that term ''substantially all'' means 80 to 90 percent or even 99 percent. However, the regulators at the Federal Government say ''substantially all'' means only 50 percent. I am glad to say that at the Federal Aviation Administration, ''substantially all'' is defined as 60 percent for the acquisition of steel or manufactured goods according to the 1995 acquisition regulations which the FAA authorized back then.

I am disturbed, however, at the instance of waivers allowed by the FAA. Civil aircraft and aircraft components purchased by the FAA are not subject to the Buy American Act due to the provisions of the Agreement of Trade on Civil Aircraft negotiated by the U.S. Trade Representative. Currently the FAA is advertising on its Web site a requirement for an airborne research and development multi-engine jet aircraft at $14.9 million that could be bought with U.S. taxpayers' dollars from foreign countries at a time when tens of thousands of air and space workers in this country are unemployed.

It has been 8 years since the Secretary of Transportation was last required to report to Congress on procurements that were not domestic products. This amendment will require a report that will bring us current information on this subject. We do not even know how many aircraft or other products the FAA is procuring each year from foreign countries because of waivers to the Buy American Act. We are asking that this Congress, that this House of Representatives adopt this amendment to help stop the hemorrhaging of the loss of the American base in this country.

I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition but not to speak in opposition to the amendment.

The CHAIRMAN. Without objection, the Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I think this is a very worthy undertaking. As the gentleman points out, we have hollowed out so much of American manufacturing capability, but we have for years touted the fact that our leadership in aviation and aerospace, that this would be one of the areas where we would continue to dominate the world. To have the prospect of agencies of the Federal Government using taxpayer resources to outsource to foreign vendors in this very critical sector, a sector which in the case of at least one major manufacturer is beleaguered by unfair foreign competition, in fact, something we heard repeated on a trip of the Subcommittee on Aviation for the engine manufacturers and others, where subsidies and development grants that never have to be paid back and all sorts of things are made available to them that are not made available to American manufacturers. I think the audit at this time is extraordinarily worthy. I really thank him for bringing this issue before the Congress.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman for offering the amendment.

I just want to raise a cautionary note, that in doing so we do not scare business away from the United States from foreign manufacturers. I am very strong on Buy America, I insist on it in the Federal aid highway program on steel, but there was a time in which 70 percent of the value and the parts of Airbus aircraft were manufactured in the United States.

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As we got into the wars over agriculture with the European community, the Airbus consortium pulled back from its placing of business in the United States, and we have lost ground in the manufacturing of Airbus parts in the United States, and the same is occurring in other areas.

I just want to be sure in the process we are not scaring away business from the United States while legitimately protecting our own interests. I know the gentleman from Illinois has those concerns at heart.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment provides simply for a study of what has taken place in the past. It changes no law.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Chairman MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for offering this amendment, and I rise in strong support of it.

I think we need to do everything possible to protect the intent of our Buy America requirements, and I think the gentleman's amendment does exactly that. In the aviation industry, unfortunately, we are facing tremendous loss in jobs, employment, and manufacturing. We have lost about half of the large aircraft manufacturing, we produce no regional jets in the United States, and I think the very least we can do is have a Buy America provision that has teeth, that has provisions that will ensure that our manufactured goods are respected by the mandates set down by Congress to Buy America. So I strongly support the gentleman's amendment.

Mr. MANZULLO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MANZULLO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report No. 108–146.

AMENDMENT NO. 1 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MICA:

Page 46, strike line 20 and all that follows through page 47, line 2, and insert the following:

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

Page 58, after line 24, insert the following:

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

Page 61, line 17, strike ''Section 41106(b) is amended'' and all that follows through ''following'' on line 18 and insert the following:

Subsections (a)(1), (b), and (c) of section 41106 are each amended—

(1) by striking ''through a contract for airlift service'' and inserting

Page 61, line 20, strike the period and insert ''; and''.

Page 61, after line 20, insert the following:

(2) by inserting ''through a contract for airlift service'' after ''obtained''.

Page 62, strike lines 4 through 6 and insert the following:

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting ''over a national park'' after ''operations'';

Page 62, after line 6, insert the following (and redesignate subsequent paragraphs in section 409(a) of the bill accordingly):

(3) in subsection (b)(3)(C) by inserting ''over a national park that are also'' after ''operations'';

Page 63, line 14, after the period insert the following:

Commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park may not take place during the period beginning 1 hour before sunset and ending 1 hour after sunrise.

Page 71, line 13, strike ''six'' and insert ''without regard to the criteria contained in subsection (b)(1), six''.

Page 72, strike line 24 and all that follows through page 73, line 11, and insert the following:

(f) COMMUTERS DEFINED.—

(1) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term 'commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.''.

(2) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by paragraph (1).

Page 75, line 22, after ''pay'' insert ''from local sources other than airport revenues''.

Page 75, line 25, after ''2008'' insert ''and each fiscal year thereafter''.

Page 76, after line 24, insert the following:

(4) ADJUSTMENTS.—Section 41737 is amended by adding at the end the following:

''(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

''(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(2) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term 'significantly increased costs' means an average monthly cost increase of 10 percent or more.''.

Page 78, line 20, before the comma insert the following:

or requirements contained in a subsequent appropriations Act

Page 78, after line 23, insert the following (and redesignate subsequent subsections in section 415 of the bill accordingly):

(e) EXEMPTION FROM HOLD-IN REQUIREMENTS.—Section 41734 is further amended by adding at the end the following:

''(j) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving essential air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.''.

Page 83, line 21, strike ''3 years'' and insert ''4 years''.

Page 88, strike lines 11 through 13 and insert the following:

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation, and distribution. Such price may not include the initial product development costs related to the issuance of a design approval.

Page 88, strike line 20 and all that follows through page 89, line 6, and insert the following:

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth instructions and requirements for performing maintenance and alteration.

Page 89, strike line 19 and all that follows through page 90, line 15, and insert the following:

''(3) To determine if design approval holders for aircraft, aircraft engines, and propellers that are in production on the date of enactment of this section and for which application for a type certificate or supplemental type certificate was made before January 29, 1981, should be required to make instructions for continued airworthiness or maintenance manuals available (including any changes thereto) to any person required by Federal Aviation Administration rules to comply with any of the terms of the instructions or manuals.

Page 90, line 16, strike ''(6)'' and insert ''(4)''.

Page 90, after line 17, insert the following:

''(d) DEADLINES FOR RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—The Administrator shall issue a notice of proposed rulemaking to carry out subsection (c) not later than one year after the date of enactment of this section.

''(2) FINAL RULE.—The Administrator shall issue a final rule with respect to subsection (c) not later than one year after the final date for the submission of comments with respect to the proposed rulemaking.

''(e) ENFORCEMENT OF CURRENT REGULATION.—The Administrator shall review design approval holders that were required to produce instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations. If the Administrator determines that a design approval holder has not produced such instructions, the Administrator shall require the design approval holder to prepare such instructions and make them available as required by this section not later than 1 year after the design approval holder is notified by the Administrator of the determination.

Page 90, line 18, strike ''(d)'' and insert ''(f)''.

Page 95, before line 1, insert the following:

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking ''part'' and inserting ''subtitle''.

Page 96, line 22, strike ''air carrier'' and insert ''employer''.

Page 112, strike lines 4 through 6 and insert the following:

(b) LIMITATION.—Subsection (a) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act or to any expansion of that program under section 47124(b)(3) or 47124(b)(4) of title 49, United States Code.

Page 113, line 21, after ''Transportation'' insert '', in consultation with the Secretary of Defense,''.

Page 113, lines 24 and 25, strike ''9 months after the date of enactment of this Act'' and insert ''September 30, 2004''.

Page 118, after line 13, insert the following:

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

Page 118, line 14, strike ''(c)'' and insert ''(d)''.

Page 120, after line 5, insert the following (and conform the table of contents of the bill accordingly):

SEC. 443. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) by inserting a comma after ''regularly scheduled charter air transportation''; and

(3) by striking ''flight unless such air transportation'' and all that follows through the period at the end and inserting the following: ''flight, to or from an airport that—

''(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

''(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

''(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

''(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.''.

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

''(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.''.

SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than July 1, 2004, the Secretary of Transportation shall issue regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 445. CREW TRAINING.

Section 44918 is amended to read as follows:

''§ 44918. Crew training

''(a) BASIC SECURITY TRAINING.—

''(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

''(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

''(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) The proper commands to give passengers and attackers.

''(D) Appropriate responses to defend oneself.

''(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

''(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(G) Situational training exercises regarding various threat conditions.

''(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

''(I) The proper conduct of a cabin search.

''(J) Any other subject matter considered appropriate by the Under Secretary.

''(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

''(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the

Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall establish minimum standards for the training provided under this subsection and for recurrent training.

''(5) EXISTING PROGRAMS.—Notwithstanding paragraph (3), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

''(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

''(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

''(b) ADVANCED SELF DEFENSE TRAINING.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

''(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

''(A) Deterring a passenger who might present a threat.

''(B) Advanced control, striking, and restraint techniques.

''(C) Training to defend oneself against edged or contact weapons.

''(D) Methods to subdue and restrain an attacker.

''(E) Use of available items aboard the aircraft for self-defense.

''(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

''(G) Explosive device recognition.

''(H) Any other element of training that the Under Secretary considers appropriate.

''(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

''(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

''(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

''(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

''(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

''(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).''.

SEC. 446. REVIEW OF COMPENSATION CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall review the criteria used by the Air Transportation Stabilization Board to compensate air carriers following the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate to compensate air carriers for the decrease in value of their aircraft after September 11th.

SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress on whether, in light of the demands of business within Alaska, it would be appropriate to permit an aircraft to be operated under part 91 of title 14, Code of Federal Regulations, where common carriage is not involved but (1) the operator of the aircraft organizes an entity where the only purpose of such entity is to provide transportation by air of persons and property to related business entities, individuals, and employees of such entities, and (2) the charge for such transportation does not to exceed the cost of owning, operating, and maintaining the aircraft.

Page 122, lines 21 and 22, strike ''or 47114(d)(3)(A)'' and insert '', 47114(d)(3)(A), or 47114(e)''.

Page 124, strike lines 6 through 14 and insert the following:

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: '', including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

Page 127, line 24, after ''2002'' insert ''or 2003''.

Page 132, after line 8, insert the following (and redesignate subsequent subsections of section 513 of the bill accordingly):

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by striking ''primary airport'' and all that follows through ''calendar year'' and inserting ''nonhub airport or any airport that is not a commercial service airport''.

Page 133, line 13, insert ''(a) INCREASED FUNDING LEVELS.—'' before ''Subsections''.

Page 133, after line 15, insert the following:

(b) REIMBURSEMENT FOR CERTAIN CONSTRUCTION COSTS.—Section 47118(f) is amended—

(1) by striking ''Not more than'' and inserting the following:

''(1) CONSTRUCTION.—Not more than''; and

(2) by adding at the end the following:

''(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).''.

Page 138, line 21, strike ''10'' and insert ''12''.

Page 138, line 23, strike ''Such projects'' and all that follows through the first period on line 24 and insert the following:

A project using an innovative financing technique described in subsection (c)(2)(A) or (c)(2)(B) shall be located at an airport that is not a medium or large hub airport. A project using the innovative financing technique described in subsection (c)(2)(C) shall be located at an airport that is a medium or large hub airport.

Page 139, line 3, strike ''and'' the second place it appears.

Page 139, line 5, strike the period at the end and insert a semicolon.

Page 139, after line 5, insert the following:

(3) in subparagraph (A) (as so redesignated) by striking ''and'' at the end;

(4) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(C) payment of interest on indebtedness incurred to carry out a project for airport development.''.

At the end of title V of the bill on page 152, add the following (and conform the table of contents of the bill accordingly):

SEC. 525. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by adding ''and'' at the end of clause (ii); and

(3) by adding at the end the following:

''(iii) with respect to an airport development project involving the location of an airport or runway or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;''.

SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall review the status of the airport on the Marshall Islands and report to Congress on whether it is appropriate and necessary for that airport to receive grants under the airport improvement program.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this manager's amendment makes some relatively modest changes to the legislation before us. Most of the changes are technical in nature and address issues that were raised after the committee approved the legislation in May.

One significant change is the provision relating to crew training, and I want to elaborate a bit on that. Our current law provides and requires that airlines provide hands-on self-defense training to flight attendants to help them deal with a terrorist threat.

The amendment that we have makes clear that this training is voluntary and that flight attendants who choose to take it will do so on their own time. The airlines will not be required to pay

them while they are taking this training. The Transportation Security Administration, not the airlines, will be providing the training. Both the flight attendants and airlines have agreed to this particular provision.

The airlines will still have to provide other nonphysical security training for flight attendants. Airlines provide that training now, and under this bill they could continue to provide the same training.

The amendment requires TSA to set minimum standards for flight attendant training, but deletes the provision in current law requiring the Transportation Security Administration to set the minimum number of hours for this particular type of training. Rather, the Transportation Security Administration should set proficiency standards and leave it to the airlines as to how many hours of training it will take to reach that level of proficiency.

In addition to the crew training provision, this amendment makes a number of improvements to the bill. These improvements include the following:

First, allowing the Department of Transportation to request information from the Department of Homeland Security in preparing its monthly report on passenger complaints about screening.

Next, directing the FAA to publish its policy on the use of passenger facility charge revenue for ground access projects.

Allowing 76-seat regional jets to qualify for the commuter aircraft slots for Reagan National Airport.

Additionally, allowing DOT to increase the subsidy to a commuter serving a small community if that commuter is experiencing significantly increased costs.

Another provision is allowing an airline to begin service to a small community that previously had subsidized essential air service without being subject to the many regulatory requirements of the Essential Air Service program.

An additional provision is revising the provision requiring aircraft manufacturers to make maintenance manuals available to aircraft repair stations in order to accommodate concerns expressed by the manufacturers.

Also we have a provision directing GAO to study how airlines were compensated after 9–11, especially whether they should be compensated for the devaluation of their aircraft.

A further provision directs FAA to study whether certain aircraft operations in Alaska can be performed under part 91 of FAA rules.

An additional provision allows current or former military airports designated by FAA to use AIP money for the reimbursement of a hangar.

Another provision allows up to 12 large airports to use AIP money for interest payments on debts. Small airports can already do this.

Another provision requires large airports seeking to build a runway to make their master plan available to the metropolitan planning organization in the area where the airport is located.

Finally, we have a provision directing DOT to report on whether it is appropriate and necessary for the airport in the Marshall Islands to receive grants under the Airport Improvement Program.

Mr. Chairman, this is a good, bipartisan amendment. We have taken into consideration concerns and requests from many Members, and I believe that this manager's amendment improves on an already good piece of legislation. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. DEFAZIO. Mr. Chairman, I rise to claim the time in opposition, despite the fact I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Oregon is recognized.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Chair of the Subcommittee on Aviation has done good work with this. A number of Members have come forward since the bill was finalized in committee and raised concerns which have merit, as have other concerns been raised by outside groups, for instance, the flight attendants and others.

So we have here a clarification on the training of the flight attendants, which we mandated earlier, the security legislation. We have here language that would require at least some minimal cooperation and coordination with the metropolitan planning organizations, making certain that they are informed of plans and future plans of airports that might have impact on communities greater than that which currently exist.

To get some clarification, a number of concerns have been raised regarding passenger facility charges and the standards which are being applied by the FAA, and it certainly would be of great benefit to consolidate and publish those requirements so that meritorious projects across the United States can move forward to better enhance the utilization of our airports and their capacity.

Then there was the 76–C regional jet provision for National Airport, again something raised later on; fairly technical, but actually quite practical and meritorious.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I concur in the remarks of the ranking member of the subcommittee. I would add that the manager's amendment does include two very important provisions offered by the gentleman from Oregon (Mr. BLUMENAUER) to promote intermodalism.

The first requires airports that undertake major construction projects to share their planes with MPOs, and the second requires the FAA to clarify, consolidate, and publish its current policy for PFC for ground transportation projects that provide access to airports. These are long-standing issues that we attempted to deal with going back to the beginning of the PFC era in 1990, and this a very important clarification.

Just to expand on the point raised by the gentleman from Oregon (Mr. DEFAZIO), the flight attendants self-defense training provision will require carriers to provide all flight attendants with the basic security training program, and those who opt for more advanced training to do so under the auspices of the TSA.

There is a very interesting provision borrowed from our experience in the Federal Aid to Highway program that allows AIP funds to pay interest on debt incurred for AIP-eligible projects. We will expand under this manager's amendment that provision from select small airports to a very limited number of larger airports. I think that is indeed a very good measure that will accelerate development of airport capacity where we urgently need it.

Mr. Chairman, I appreciate the willingness of the gentleman to work with us to include those provisions.

Mr. DEFAZIO. Mr. Chairman, I enthusiastically support the manager's amendment, and I yield back the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I urge passage of the manager's amendment. I think we have attempted our level best to accommodate a number of requests from Members, particularly since the legislation was passed out of committee. I think the best amendments with the best possible language and compromises that could be worked out have been incorporated into this manager's amendment. We still will work with others as the legislation moves forward with conference.

Again, I urge the adoption of this comprehensive manager's amendment that is also a bipartisan piece of work.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, if I could, I ask unanimous consent to reclaim a portion of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from Oregon and thank the chairman. I want to thank the gentleman from Florida (Mr. MICA), the

gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for a provision in this bill which I think is very important.

I represent three general aviation airports that are within the 15-mile radius of the White House. As a result, they were shut down. They were not shut down because they were not operating safely and fairly; they were shut down because it was the perception and the belief of those in charge of our national security that they posed a risk.

Obviously, they are all owned privately. They are not public airports. As a result, there was a very substantial adverse financial impact to many people, both who own the airports and who had concessions at the airports.

There is authorized in this bill $100 million for the purpose of, both at National and other surrounding airports, not only here but throughout the country, those who suffered damage as a result of 9–11 in a very real financial sense, for them to be not made whole, because that would be impossible at this point in time, but to be compensated for the losses they sustained.

I want to thank the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Florida (Mr. MICA), and the gentleman from Minnesota (Mr. OBERSTAR) for their leadership, the gentleman from Oregon (Mr. DEFAZIO) in getting this authorization effected. I appreciate it. I know they appreciate it. It is the right thing to do.

I talked to Sean O'Keefe, of course, who now heads NASA, but was deputy director of OMB at the time of 9–11. He said he thought we ought to do this. It has taken us some time to get it done. I appreciate the leadership shown by the committee to effect this. I enthusiastically support the bill and this provision.

In the aftermath of the September 11 terrorist attacks, the Federal Aviation Administration issued temporary flight restrictions on the small aircraft of general aviation as part of its effort to make commercial air travel safer and to restore the public's confidence in the security of our Nation's airways and airports.

Unfortunately, while those restrictions were lifted for general aviation in the rest of the country, small airports in the Washington metropolitan area have continued to languish under binding restrictions on their operations. In fact, the only airports in the country that are closed to incoming and outgoing general aviation are Reagan National and the three D.C. area general aviation airports. As a result, these small airports, specifically College Park Airport, Potomac Airfield, and Washington Executive, are on the brink of financial ruin. These airports have been forced to nearly cease their operations, effectively, endangering the livelihood of their employees who have lost income and jobs and airport owners who have lost income and jobs and airport owners who have lost long-time customers and revenue. In speaking with airport managers at all three of these airports, I have heard their disturbing reports on loss of operations, reductions in fuel sales, and loss of revenue since these flight restrictions were put in place.

Lee Schiek, manager of the College Park Airport, reported earlier this year that flights in and out of College Park plummeted from about 1,800 per month before September 11 to 164 per month at the beginning of 2003, and 55 of the airport's 87 based aircraft have left for other airports.

There is no doubt that we must stem this tide of economic decline for general aviation. This industry is a proven, integral part of the nation's economy, providing vital services and economic stability to individuals, families, churches, hospitals, colleges, industry, small businesses, and communities. Aviation transportation in Maryland is a $1.3 billion industry, an industry too large and too important to be hobbled any further in an already weak economy.

Today, the House of Representatives passed the FAA reauthorization bill that will provide $100 million to general aviation to help alleviate the cost incurred in meeting security requirements and the revenue lost because of the interruption in operations.

The $100 million grant gives the Congress an opportunity to do for general aviation, small airports, and small business, and the independent pilot what we did for the airlines, large airports, and the insurance industry in the aftermath of the terrorist attacks. This shows that we recognize the sacrifice that general aviation has made in the effort to make us more secure. Let's not forget: the Federal Government imposed the restrictions on general aviation, and the Federal Government should do its part to help ease the financial burden those restrictions have caused. This is a fair restitution that will start the process of a return to financial health of general aviation.

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Mr. DEFAZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 108–146.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. NORTON:

Page 73, after line 11, insert the following:

(g) REMOVAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 and the item relating to such section in the analysis of chapter 491 are repealed.

The CHAIRMAN. Pursuant to House Resolution 265, the gentlewoman from the District of Columbia (Ms. NORTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I have an amendment, and this is the way to start off, that I think the entire House can support. The entire region supports this amendment on a bipartisan basis. I think Members are going to be hearing from the gentlemen from Virginia, Mr. WOLF and Mr. DAVIS, who had wanted to speak to it.

It is noncontroversial because I think Members do not want to put any airport authority at a disadvantage. Section 49–108 requires only the Metropolitan Washington Airport Authority to come back to Congress before receiving airport improvement funds and facility fees. These are always guaranteed, once appropriated.

Many know that Dulles has a $2.4 billion construction project underway now as we go in and out. This provision to come back to Congress in September of 2004 puts at risk the funds to continue with that operation.

The airport authority has an excellent bond rating and saves millions of dollars because of its bond rating, but the bond markets could read the unique treatment of this region negatively to mean that there is a risk of interruption of construction in progress. In fact, there has been before, although not for this reason. For other reasons there has been such a risk.

The reason that risk would be seen is because Congress forces this airport authority in this region to return and have authorized what other airports get as a guaranteed matter.

All agree that the Washington airport authority has done an outstanding job of operating and improving our airports. There will be multiple opportunities for Congress to have oversight over the Metropolitan Washington Airport Authority because we own the land, and therefore, at will, Congress can call back the airport authority.

We are in this FAA reauthorization bill, and we will be here, therefore, every few years. This is a win-win. By voting for my amendment Congress gets its oversight, and there is no interruption of work in progress at Dulles because of doubts planted by section 49–108 about congressional intention to release funds guaranteed to other jurisdictions.

I ask that my amendment be passed.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MICA) is recognized in opposition.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do have some questions about this amendment. I think we are going to probably acquiesce to the amendment, but Ronald Reagan National Airport and Dulles International Airport are unique airports. They are the only federally owned commercial passenger airports in the country. They were federally chartered and

are not subject to the oversight, as I understand it, of the Governor of Virginia.

This amendment gives the Secretary of Transportation permanent authority to provide grants to the Washington Metropolitan Airport Authority. By doing so, it removes in some ways, Congress' responsibility and ability to make periodic reviews of the airport authority's operations.

This is a unique situation. We owe it to our Nation's taxpayers to fulfill our oversight responsibilities, and sometimes Congress needs to be reminded legislatively to do so. This amendment will change that dramatically.

I have great reservations about this amendment, and I urge my colleagues to look at this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. WOLF), who has an opposing opinion.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Norton amendment. I would ask all Members to support it.

This airport authority, I was involved, as was the gentleman from Minnesota (Mr. OBERSTAR), Mr. Mineta, and a number of us, the gentlemen from Virginia, Mr. MORAN and Mr. DAVIS, in putting this together. They have done an outstanding job. Those airports were in the 19th century when they took it over. Dulles has expanded and has first-class service. If we look at National Airport now with the parking and everything else, they have really done a great job.

I would urge the House to respect the local airports authority, which has proven I think, without doubt, it can successfully operate both of these airports. I would urge them to support the Norton amendment. I would say if Members bring this back to their own hometown, just as they would not want Congress dictating how to run Members' local airports, we really do not want the Congress to tell them how to run it because they have done an outstanding job.

With that, I would urge that Members support the Norton amendment. I strongly support it. I appreciate the efforts of the gentleman from Virginia (Mr. DAVIS) with regard to that.

Mr. Chairman, I rise today in strong support of the Norton amendment which would repeal the requirement that the Metropolitan Washington Airports Authority (MWAA) must come to Congress before September 30, 2004, to ensure that the local airports can continue to receive development project grants and impose a passenger facility fee.

I was part of the bipartisan coalition in 1987 which successfully secured the passage of legislation signed by President Reagan which transferred both Reagan National and Dulles International from Federal control to the local airports authority. Because of that change to local control, both airports today are success stories.

Passenger activity at National and Dulles Airports has nearly doubled to 31 million passengers in 2002. A massive capital development program at both airports has totaled well over $3 billion. Reagan National Airport was modernized in 1997 with a new terminal building including major improvements to airport traffic management and Metro system connections.

At Dulles, there are new concourses and the airport's first parking garages, and under way is a $3.2 billion capital improvement project. In tandem with the airport's growth, the Smithsonian Institution will open its new Air and Space Museum annex later this year located at Dulles Airport.

These airports have proven they are quality facilities serving not only the people in the Washington area, but air travelers across the Nation and around the world.

There is simply no reason for the airports to be called to Congress to prove their worthiness. What other airports in the country have to make such a command performance? None. Zero.

Congress got out of the airports business in 1987. It's time to stop micro-managing Reagan National and Dulles.

I also want to say how disappointed I am that Mr. MORAN was foreclosed by the rule from offering his amendment on the slots issue at Reagan National.

A delicate balance exists between flight operations at Dulles and Reagan. Increased take offs and landings at Reagan National and more flights beyond the 1,250-mile perimeter hurt Dulles, where longer haul flights originate. Those flight changes also mean coping with more noise for citizens living in the Washington area.

I would urge my colleagues to respect the local airports authority, which has proven it can successfully operate the Washington area airports, and support the Norton amendment.

Just as you would not want Congress dictating how to run your local airport, I would ask you to let the Metropolitan Washington Airports Authority do its job in operating Reagan National and Dulles without congressional interference.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

I particularly appreciate the support of the gentleman from Virginia (Mr. WOLF). He is the transportation expert in this region, and he is, I think, the acknowledged transportation expert in this House.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, which would repeal a section of the law that requires the Metropolitan Washington Airports Authority (MWAA) to obtain special legislation to be eligible to receive airport project grants and to impose passenger facility fees. No other airport is required to seek such congressional approval. While this procedure may have been justified in the early days of MWAA, it has outlived its usefulness.

Until 1986, the National and Dulles airports were run by the Federal Aviation Administration (FAA). When the airports were transferred to a regional authority in 1986, there were concerns that the regional authority would be unduly influenced by local interests, and not carry out federal objectives for the airports serving our Nation's Capital. To ensure that Federal concerns were considered, the 1986 legislation established Federal oversight over MWAA's activities, including Federal representation on its Board of Directors, special requirements in MWAA's lease agreement with the Department of Transportation, and requirements for audits of MWAA by the General Accounting Office (GAO).

In 1996, Congress further strengthened its oversight by requiring that new legislation would have to be passed for MWAA to be elible for AIP grants or PFCs, after October 1, 2001. The FAA reauthorization act of 2000, known as AIR–21, continued MWAA's eligibility, but required new legislation for eligibility after October 1, 2004. These provisions are unique to MWAA; no other airports operator has such restrictions on its eligibility for funding.

It is my understanding that although MWAA enjoys an excellent bond rating, the fact that they must continually come to Congress to receive grant monies or charge a PFC has caused concerns in the bond community. Continuing to place MWAA's funds in a different status from those of other airports could negatively affect its current high bond rating, resulting in higher interest charges, and possibly higher rents and fees at the airports.

I believe that MWAA has done an outstanding job in developing National and Dulles Airports, carrying out the objectives of the 1986 legislation. We no longer need to treat MWAA differently than all other airport authorities. The Federal directors on MWAA's Board, this Committee's continuing oversight, and GAO audits will ensure that Federal interest in the airports continue to be respected.

I urge my colleagues to support this amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for supporting this amendment.

The reason why the gentlewoman and I offered this amendment is that we really have an unfair provision here that, as the gentlewoman from the District of Columbia (Ms. NORTON) said, does not apply to any other airport authority. It says that we cannot receive in the Washington area any new airport improvement grants or new passenger facility charges until we come back to the Congress.

This is in violation, really, of a 1986 agreement that then Mrs. DOLE, ELIZABETH DOLE, who was Secretary of Transportation, made with the Washington region. The words said that the airport authority, the Metropolitan Washington Airport Authority, will have ''full power and dominion over, and complete discretion in, operation and development of the Airports.''

In return, Virginia, D.C., and Maryland agreed to accept operational control of the airports and raise the money necessary to modernize them. We fulfilled our part of the bargain. We have two terrific airports. We funded them and we operate them. All we are asking is that we be treated like every other airport, and that we not have to come back and get this special authority to be able to continue doing what we, under law, are doing and doing very well.

The expansion of slots is micromanaging an airport by the Federal Government that really is in contradiction to the agreement. Likewise, it is designating some of those slots to go beyond the 1,250-mile perimeter rule.

National Airport was not built to accommodate transcontinental flights. It was built for short-haul flights to serve midsized cities. Ultimately, this is going to harm those midsized cities up and down the east coast, basically east of the Mississippi River. It is going to hurt their economy. It also jeopardizes the economy, the economic viability, of Dulles Airport, which was built to handle transcontinental flights.

If we start sending those flights to National, even though it is more convenient to get to National, it really hurts Dulles. It is going to hurt the economy, not just for this region, but of the Nation.

Ms. NORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. DAVIS).

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

The CHAIRMAN. The gentleman from Virginia (Mr. DAVIS) is recognized for 1½ minutes.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friends for yielding time to me.

As my friends know, this is a very important economic issue to those in Washington, Virginia, and the entire metropolitan area as well. We are the only airport in the country that faces these restrictions over their money.

If we want to continue the multibillion-dollar redevelopment efforts at Dulles Airport, these are the kinds of restrictions that can knock that out the window. That hurts flights coming into the Washington area. It does not help them at all. However well-intentioned this is with trying to keep congressional oversight, it can actually have a detrimental effect on this.

Congress has been reluctant to exercise that oversight. We would not have had the new terminal at Reagan National or at Dulles, had the Federal Government remained in charge of this. We have done this through some grants from the government, but through a lot of local taxes as well. That has improved air service to this region.

We also play a very dangerous game with the economic balance between the different airlines that have paid for slots when we start holding this up to have Federal approval of these. I think this is not warranted in any way, shape, or form.

I think the gentlewoman's aim is absolutely correct. I support it wholeheartedly. The 2.4 billion expansion that is currently underway is jeopardized should this amendment go down, or should we somehow kick in the authority that is sought that is now, under the manager's amendment, postponed to 2007; but should that kick in, that money would be at risk should there be any kind of congressional deadlock on Federal grants. That would be unusually detrimental.

Let us lift this restriction entirely. Congress can always step back in should there be a reason, but I think the gentlewoman's amendment is required at this point. I urge its adoption.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard from some outstanding Members of Congress who represent the greater Washington area and the Northern Virginia area. They have been strong advocates for Ronald Reagan National Airport. They have done a great job in looking after that national asset.

It truly is unique. It is the only airport, that and Dulles, that are owned by the Federal Government. This is a protection for the taxpayers, and it is good to have required periodic review and oversight.

I do have questions about the amendment, but I do believe that they have the support to pass the amendment, so I express that concern.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 108–146.

AMENDMENT NO. 3 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PETERSON of Pennsylvania:

Page 75, strike line 12 and all that follows through line 18 on page 76.

Page 76, line 19, strike ''(3)'' and insert ''(2)''.

Page 81, line 13, strike the following:

''(1) ELIGIBLE PLACES.—

Page 81, strike lines 18 through 22.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to compliment the chairman and the ranking member for, I think, putting together an exceptional bill. I want to thank them for working with us on this amendment that we think will improve the bill.

I am glad to be joined by the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. SHUSTER) to offer an amendment that will remove the copayment for a number of the smallest airports who will be receiving essential air service, saving them from making a copayment.

We understand the logic, but at the present time we all know that our airlines are in trouble. We have bailed them out with $18 billion trying to keep them solvent. We know airports are struggling. We know the commuter services are struggling even more because a lot of the commuter services got no portion of that bailout. We know that small commuter airports are fighting for their economic lives, and often in communities that are fighting for their economic lives.

Just for example, the Venango Regional Airport is trying to raise $6,000 to market the services there and improve emplanements. If this amendment was not accepted, they would be paying $22,000 the first year, which I think would be much better used marketing, and on the fourth year would be paying $87,000.

It is important that we pass this amendment that allows these small regional airports to rebuild the services.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), who wants to help support this bill.

□ 1530

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding me time.

I also want to congratulate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for what I consider an excellent bill.

As my colleagues said, I think this amendment will improve the bill. The intent of our amendment is to strike the language that imposes cost sharing of EAS funds on a select few small communities, rural community airports.

These communities today are struggling to meet their current financial situations brought about by a sluggish economy and an increased cost on homeland security. These air links for these communities are vital, vital for economic development, especially in rural America from which I hail.

Some would say that there are significant costs savings; but if you look at this relative to the overall bill, we have a $59 billion bill over 4 years, and this language would only save $7.5 million. Here in Washington that is small

change; but in rural America that is significant, significant to these small and rural communities.

So I would like to thank the gentleman from Alaska (Mr. YOUNG); the gentleman from Florida (Mr. MICA); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Oregon (Mr. DEFAZIO) for accepting this amendment and supporting it. Once again, I congratulate them on a tremendous bill, a strong bill that is going to help all of America.

Mr. MICA. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes in opposition to the amendment.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, I have some reservations and I think I have the responsibility as Chair of the subcommittee to raise those reservations about the amendment.

It is being put forth by three outstanding Members with very good intentions. They represent rural airports and are concerned about service and the contribution. Let me say, though, that this program goes back to 1970, late 1970s when we deregulated the airlines; and each year subsequently some of these communities have gotten this subsidization of service and some should use it, maybe some should not.

The nature of the aviation industry has changed dramatically, and service has changed dramatically around the country. And we are looking for ways to enhance that service, particularly to the small community. And you can find no stronger advocate than me in that regard.

The administration had proposed a 25 percent match; and as a compromise, we lowered that to some 10 percent. We also have a provision in here for a waiver for hardship cases. We do believe that some review is necessary and that there should not be an automatic disbursement from Washington without some equal match. And also I might add for the record that we have increased the authorization from some $65 million to $115 million. So I have concern about this.

My concern also is that in the long run we will have less money. We may have appropriators who may just take a pen and slash through the program, and we can possibly see harm done to a program that we all want to assist. So it is a good program.

I have concern about the amendment. I think that we are going to let this amendment pass and then hopefully it will be considered in conference. But I wanted to raise those points that I think are in the best interest of the essential air service for all of our smaller communities.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MCHUGH).

(Mr. MCHUGH asked and was given permission to revise and extend his remarks.)

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me time.

I want to thank my two colleagues and neighbors from the great State of Pennsylvania to the south for their hard work and leadership. It has been a pleasure to work with them.

I want to echo their statements in support of the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) and the ranking member and other distinguished members. I think they have made this particular provision far better than the administration's original proposal.

I am very sensitive and cognizant of the concerns that we just heard the subcommittee chairman voice. And clearly before we take the next step, we want to make sure we understand the full ramifications of what we are doing.

Let me state a couple of things. First of all, I think there are few times in this Nation's history when this kind of initiative would be more inappropriate. Following September 11 the airline transportation industry was particularly challenged, and those in rural communities are especially under fiscal duress, 20 to 30 percent property tax increases in the making as we speak. Any added burden at this time, I think, would be particularly difficult to accommodate.

The second is the question that the subcommittee chairman raised with respect to accrued savings. In my district I think we have a perfect example of where we have three communities that are partnered together in a single package. If this 10 percent cost share were to prevail, the one community that is the most efficient, the most effective, and has most to it would be affected by that 10 percent and would likely withdraw and the end percent, I would respectfully suggest, would actually be a greater outlay in subsidy by the Federal Government rather than savings.

So I think the subcommittee chairman is right. We wanted to understand the full ramifications of this; and as we attempt to do that to conference and beyond, certainly, this is a very appropriate amendment. I thank the chairman and the subcommittee chairman and the ranking member for agreeing to it.

Mr. CHAIRMAN, It is imperative that the House approve the amendment we offer here today. The cost-sharing provisions in the bill put at risk the very foundation of the Essential Air Service program.

For those of us who have served in Congress for some time, it will be recalled that we have fought this battle to preserve air service to our rural communities many times. Each year, I join the fight to identify and enact funding to help maintain the program and, consequently, maintain air service to four—soon to be five—subsidized communities in Northern New York.

As many of you are experiencing in your own States, budget deficits are running rampant and New York is no different; our counties and localities are suffering no less. I fear it will be an insurmountable burden for cash-strapped local governments already coping with property tax hikes in the 20–30 percent range. It is simply asking too much. This program is vitally important to our economy in rural America and I believe it is particularly important to continue fighting to see that it is fully funded.

I have at least one community in the District I represent that is impacted by the cost-sharing provisions of this bill. Relying solely on mileage figures can be greatly misleading in determining the true distance and actual time when speaking about an area like Northern New York. Oftentimes snow can be found on the ground 8 months out of the year and the interstate highway that connects this EAS community and the small hub is all too frequently closed on a moment's notice due to service weather.

While the suggested purpose of the cost-sharing provisions is to reduce the cost of the overall program, I question whether that will truly be the ultimate result. In my State, three of my EAS communities are served by one contract with one airline—a triple hit, if you will. The airline is paid on sum of money for serving three communities. If one of these communities is required to cost share, and is unable to do so, it will be knocked out of the program. What, then, happens to the subsidy determination of the other communities. The community no longer eligible has the highest enplanements of the three and, theoretically, the lower costs. Will the airline then require higher subsidies from the Federal Government to serve the two remaining communities? If so, the objective of saving Federal money won't be realized.

I understand some believe that communities need to have this type of vested financial interest in the program so they will encourage usage of the service. I believe this, too, is an inaccurate representation. Rural EAS communities all across America already have a significant vested financial interest—through subsidization of their airport operations, capital investments, etc.

It is true the cost-sharing provisions are not a requirement and there is a waiver provision. But be assured the Department of Transportation will make every effort to implement it. Otherwise, why make it an option?

In closing, Mr. Chairman, let me say that I appreciate the Transportation Committee's commitment to the increase in the authorized funding level contained and to provide for an optional program that would allow interested communities to devise alternative transportation service for their residents, if they willingly choose to do so.

That having been said, we must not cut off communities like those in Northern New York that have come to depend on this service. But that is exactly what will happen if cost-sharing is implemented. It is a slippery slope that I respectively suggest we do not want to go down.

I strongly urge your support for, and passage of, the Peterson-McHugh-Shuster amendment to save the Essential Air Service program. The program is perhaps the singular most important asset to the economy recovery of our rural communities.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Florida (Mr. MICA) has 2½ minutes remaining. The gentleman from Pennsylvania (Mr. PETERSON) has 1 minute remaining.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do have some concerns. We are willing to work with those who have offered this amendment today. We do not want to do harm when we want to do good, particularly in providing essential air service to our smaller communities. So with those concerns raised, this probably will pass, but I did want to state my concern for the record.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me time.

We have worked with the chairman and the chairman of the full committee on this EAS program, and I talked about it in my remarks during general debate about how important it is for small communities, but I just want to make it clear that the committee really made significant effort here to protect EAS cities. And it should be noted that we expanded the program, a 10 percent local share for cities that are less than 170 miles from a large or medium-hub airport or less than 75 miles from a small-hub airport. And out of concern that small communities might not be able to pay that share, the chairman and the chairman of the full committee worked with us and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), to include a hardship provision, to allow the Secretary to waive that local share if the community is unable to pay and can demonstrate that inability to pay. So we did not ignore these needs.

We addressed them I think in a very appropriate and thoughtful fashion. I want that to be stated in concert with the chairman who expressed those concerns. And I think by increasing the funds we have made it a lot easier to get service to EAS airports.

The CHAIRMAN pro tempore. Both Members have 1 minute remaining.

The gentleman from Pennsylvania (Mr. PETERSON) is recognized.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again want to thank the chairman and ranking member for their support. I understand how they were trying to protect this program. As an appropriator, I can assure the gentleman that I will be working to solve that problem on the appropriations side. We have had our opponents.

I have never understood when we can spend $7.5 billion for mass transit and not ask a question. We spend merely $100 million to provide rural air service, it is the one rural program, it has been continued under attack since I have been here. And I understand, but I do not think there has ever been a time that we need to give the rural airports a chance to pull themselves up by their bootstraps, to reinvigorate the use of these airports, when the airports were shut down literally because of the parking requirements, they all lost their parking lots because it had to be so many hundred feet before you could park a car from an airport; these rural airports were all shut down unless they were parking in plowed fields. It caused damage that has not recovered yet.

We are hoping to get some marketing money so we can get the service back there to these rural communities because it is a vital part of economic development and growth. And we know that most of the money went to the big airlines and did not trickle down to the privates that served them.

So we just are thankful that the gentleman is willing to work with us. We might be willing to look at a partnership with the States if we can get the States to buy in to help a little bit with this program, but to put it on the individual communities will not work.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. MICA) has 1 minute remaining.

Mr. MICA. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Mr. Chairman, I would just take a moment to express my appreciation for the recognition by the gentleman from Pennsylvania (Mr. PETERSON) that it has been the Committee on Appropriations that has been the obstacle on EAS. It has been the Committee on Appropriations that has time and again put legislative limitations on the use of EAS funds.

Now, if we have an advocate over there in the Committee on Appropriations in the form of the gentleman from Pennsylvania (Mr. PETERSON), maybe we can get all of this straightened out and make sure that those dollars do flow. Because we can write the authorizations; but if the appropriations do not flow or if there are further limitations on it, then all this good work we do in our committee is undercut.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in part B of House Report 108–146.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PITTS:

Page 82, before line 11, insert the following:

(g) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

"§ 41746. Distance requirement applicable to eligibility for essential air service subsidies

"(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

"(1) is less than 70 highway miles from the nearest hub airport; or

"(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

"(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

"(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

"(2) identify the most commonly used route for a community by—

"(A) consulting with the Governor of a State or the Governor's designee; and

"(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

"41746. Distance requirement applicable to eligibility for essential air service subsidies.".

(h) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–471).

(i) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential

air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 265, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the essential air service program is important for many small airports throughout the country. It helps smaller communities to connect with larger cities and their airports and facilitates travel, tourism, and economic development.

To be eligible to receive such assistance, the community where the airport is located must be greater than 70 miles from the nearest large or medium-hub airport according to the most commonly used highway route. However, the Department of Transportation does not always use a consistent standard in determining the most commonly used highway route, nor do they actually determine the most commonly used route. Sometimes they have use the most direct route, even if it means taking back roads.

In my congressional district, this has led to the Lancaster Airport to lose its eligibility for the EAS program. The Department, using the most direct route, determined Lancaster Airport to be 68.5 miles from the Philadelphia International Airport. However, the route they chose would take the average driver more than 3 to 4 hours to drive. It winds along the old Lincoln Highway through dozens of small towns. In fact, anybody from my district knows that this is probably the worst way to get to Philadelphia.

The most commonly used highway route, the one that locals know as the fastest, uses the Pennsylvania Turnpike or other highways; and this route may be 12 miles longer, but you can get to Philadelphia in half the time. Because the Department is using the wrong route, Lancaster Airport's only commercial air carrier ceased operations at the airport on March 23 of this year.

The air carrier maintained that current market condition, fewer passengers and high costs made it impossible to continue without investment from the EAS program. This issue affects other small airports throughout the country and could affect more if this issue is not addressed.

My amendment addresses this problem by requiring the Secretary of Transportation to define a consistent standard for determining the most commonly used route. It also requires the Secretary to consult with the Governor of the State in which the airport in question is located or the Governor's designee as to the most commonly used highway route between that airport and the nearest large or medium-hub airport. Essentially, my amendment seeks to inject predictability and common sense into the process for determining EAS eligibility. It is narrowly tailored to improve the EAS eligibility process without impeding on the Secretary's authority to determine eligibility. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me the time.

I think his amendment has merit, but I am going to talk about just the bill itself for a few moments. I want to thank again the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Minnesota (Mr. OBERSTAR), especially my good chairman the gentleman from Florida (Mr. MICA) for doing the work on what I think of as a very good bill.

Air travel is coming back, as the gentleman from Minnesota (Mr. OBERSTAR) has mentioned before. It is important that we look at where we were before 9/11 and recognize that those challenges are raising their heads again: the on-time provisions, the utilization of our airstrips, technology which is now available which was not available before, before AIR 21 was there, and I think we can use our airports more effectively.

It is our goal through this legislation and as the authorization for 4 years that we will see the time when we go beyond those numbers that we had prior to 9/11. But nothing happens in this body without the cooperation from one another. I think this is an example of how committees should work together in a bipartisan effort to achieve what is best for the Nation as a whole.

This bill does that and I want to compliment again both sides, and I am very, very confident this bill will pass overwhelmingly, and I thank everybody that has been involved.

The CHAIRMAN pro tempore (Mr. SWEENEY). Does anyone rise to claim time in opposition?

Mr. DEFAZIO. Mr. Chairman, I rise to claim the time in opposition, although, I do not intend to speak in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I actually rise in strong support of the gentleman's amendment. I represent a State that has topography which is foreign to many of the bureaucrats inside the Washington, D.C. Beltway, as do other Members from even more challenging terrain in Alaska and elsewhere, and it is hard for them to conceive that what looks on a map as a pretty straightforward route might happen to be a route that is not open in the wintertime or, even if it is open some of the time in the wintertime, it is often impassable; that even in the best of times it is over a mountain range, even though it is the shortest distance.

So I think common sense certainly being applied as an antidote to bureaucratic intransigence in this case is very well merited, and I congratulate the gentleman on his amendment. It is something I had missed in my perusal of the bill, and many others I know would be concerned for this. We thank him for his vigilance and the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania, Mr. PITTS, which would clarify the measurement of highway mileage for purposes of determining essential air service (EAS) eligibility.

Under current law, communities are not eligible for the EAS subsidy if they are less than ''70 highway miles'' from the nearest large or medium hub airport. Congress first imposed this 70-mile standard in the FY1992 Transportation Appropriations Act, and renewed it every fiscal year until the FY2000 Appropriations Act, which made it a permanent restriction.

In AIR 21, Congress gave the Department discretionary authority ''to provide assistance with respect to a place that is located within 70 highway miles of a hub airport if the most commonly used highway route between the place and the hub airport exceeds 70 miles.'' Nevertheless, despite its discretionary authority, the Department generally employs the ''most direct route'' standard. This issue has created controversy and even litigation between local communities and the Department, including litigation that involves Lancaster Airport in the gentleman's district.

The gentleman's amendment would require the Department to use the ''most commonly used route standard'' in measuring mileage for EAS eligibility. Additionally, the amendment would require local input in determining the ''most commonly used highway route.'' Specifically, the amendment would require the Secretary of Transportation to consult with the Governor of the State in which the airport is located as to the most commonly used highway route between that airport and the nearest hub airport. Further, the amendment requires the Secretary to promulgate by regulation a consistent standard for calculating the most commonly used route.

It will bring into the EAS program deserving eligible communities that have otherwise been cut off arbitrarily by current law. This is a common sense change. If we are to have a mileage standard for EAS it should be based on the miles people will actually drive, not a theoretical route, which probably takes longer than the actual route. The gentleman's amendment will make the law reflect reality.

For these reasons, I support the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO), for their hard work in bringing this bill to the floor today and for working with Members on and off the committee to ensure a fair process that includes Members' ideas.

It is very fitting that we pass this legislation in the same year that we are celebrating 100 years of providing power flights. We had a good debate in both the subcommittee and full committee, and I expect it to continue today and throughout the conference.

Since 9/11 the Committee on Transportation and Infrastructure has been focusing on improving the security of our transportation infrastructure and ensuring the safety of the traveling public. This reauthorization bill goes a long way in accomplishing this goal and fits well into the overall homeland security plan we are developing.

The FAA has a very important job to do, and this bill provides additional funding and the direction that would allow the FAA to improve the air transportation system for passengers, airports, airlines and many businesses that rely on the aviation industry.

I encourage my colleagues to support the bill and this amendment as we continue on the road to improved safety and security for the traveling public.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from Pennsylvania (Mr. PITTS) has 1½ minutes remaining and the gentleman from Oregon (Mr. DEFAZIO) has 1½ minutes remaining.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to thank him for bringing this amendment. It is a very thoughtful amendment. It is a very small amendment. On the other hand, it relates to few airports in the country, and it relates to techniques to bring rationale indeed to how one devises standards.

It happens to affect one airport in my district in the town of Ottumwa; and Ottumwa is a wonderful, small American community, and there are those of us that truly love this community and its airport which can be knocked out of service with great ease. In fact, it largely is today, based upon certain definitional issues.

This helps to address those definitional issues. It helps to bring rationality to government programming, and it helps people in a very real way, and so I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his thoughtful leadership, and I would hope the committee would sympathetically concur in the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, I want to thank the gentleman from Iowa, the gentleman from Oregon (Mr. DEFAZIO), the ranking member and the chairman of the committee and the subcommittee for their support; and I yield the balance of the time to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I just wanted to conclude both the debate on the amendment and more than likely the debate on this legislation. I thank everyone for their cooperation. This truly does show how legislation can be drafted in a bipartisan manner, and it shows too with the gentleman from Pennsylvania's (Mr. PITTS) amendment, which I rise in support of, that all the good ideas just do not come from the committee.

He has a good idea. It will improve this bill. It shows the majesty of the system our Founding Fathers created, and this working today does demonstrate good legislation.

I rise in support again of the Pitts amendment and the bill, the underlying measure.

Mr. PITTS. Mr. Chairman, I yield back my time.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MICA. Mr. Speaker, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 printed in part B offered by the gentleman from Illinois (Mr. MANZULLO), amendment No. 4 printed in part B offered by the gentleman from Pennsylvania (Mr. PITTS).

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 262]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Brown-Waite, Ginny
Cubin
Eshoo
Fossella
Gephardt
Matsui
Smith (WA)
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1613

Messrs. INSLEE, CARSON of Oklahoma and NADLER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GINNY BROWN-WAITE. Mr. Chairman, on rollcall No. 262 I was inadvertently detained. Had I been present, I would have voted ''aye''.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 12, as follows:

[Roll No. 263]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Boehner
Case
Cubin
Edwards
Eshoo
Fossella
Gephardt
Issa
Matsui
Smith (NJ)
Smith (WA)
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY)(during the vote). Members are advised that 2 minutes remain in this vote.

□ 1621

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2115) to amend title

49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, pursuant to House Resolution 265, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 8, not voting 8, as follows:

[Roll No. 264]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Crane
Davis, Tom
Flake
Moran (VA)
Obey
Paul
Sensenbrenner
Wolf

NOT VOTING—8

Cubin
Eshoo
Fossella
Gephardt
Lynch
Matsui
Smith (WA)
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). The Chair would advise Members that there are 2 minutes remaining in this vote.

□ 1639

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2115, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL GREAT BLACK AMERICANS COMMENDATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise to announce the introduction of the National Great Black Americans Commendation Act of 2003, legislation that will help to bring long overdue recognition to African Americans who have served our Nation with distinction but whose names, faces and records of achievements may not be well known by the public.

This recognition primarily will be accomplished through an expansion of national designation of a national treasure, the Great Blacks in Wax Museum, located in my district in Baltimore, Maryland. The legislation also authorizes assistance in establishing a Justice Learning Center as a component of the expanded museum complex.

□ 1645

The Justice Learning Center will include state-of-the-art facilities and resources to educate the public, and especially youth, about the role of African Americans in our Nation's justice system. It will include a special focus on the civil rights movement, on the role of African Americans as lawmakers and as attorneys, and on the role of blacks in the judiciary.

I am introducing this legislation with the bipartisan support and cosponsor of 47 of our colleagues. This legislation will help to present the faces and stories of black Americans who have reached some of the highest levels of national service but who are generally unknown.

A priority will be exhibits presenting black Americans who served in Congress during the 1800s, some born in slavery and others born free. These Americans proudly served their constituencies and this great Nation.

I am pleased to inform my colleagues that the museum will showcase the 22 outstanding blacks who served in the United States Senate and House of Representatives in the 1800s, and those from the 1900s such as Senator Edward Brooke and Representatives Julian Dixon, Oscar Stanton DePriest, Lewis Stokes, and many others.

The legislation will also help to showcase black Americans who served in senior civilian executive branch positions, such as Ralph Bunche, Frederic Morrow, Robert Weaver, William Coleman, Patricia Harris, Lewis Sullivan, and many others who did not receive the appropriate recognition in the past.

The expanded museum will focus on black military veterans, including the Buffalo Soldiers and the Tuskegee Airmen, black judges, lawmen and prominent attorneys, and the role of blacks in discovery and settlement.

The Great Blacks in Wax Museum, America's first wax museum of black history, was founded in the early 1980s. The museum occupies part of a city block in east Baltimore and currently includes approximately 200 exhibits. Existing figures depict great black Americans such as Colin Powell, Harriet Tubman, Dr. Martin Luther King, Mary McLeod Bethune, and former Representatives Mickey Leland of Texas, Kweisi Mfume of Maryland, Shirley Chisolm and Adam Clayton Powell of New York.

The State of Maryland and the city of Baltimore have contributed over $5 million toward this expansion project, which will occupy an entire city block in the empowerment zone area. The museum is conducting extensive outreach to major corporations and other private donors. This legislation authorizes a Federal share not to exceed 25 percent or $15 million, whichever is less, of the expansion project.

Mr. Speaker, I urge all Members to support and cosponsor this important legislation, which will help to educate our Nation and the world about the critical contributions of African Americans in defending freedom and guaranteeing equal rights under the law, in protecting our Nation's interests in times of military conflict, in exploration and settlement of our Nation, and in providing leadership at the Federal level through service in Congress and the executive branch.

This museum will ensure that history never forgets the contributions of these great Americans.

THE GREAT BLACKS IN WAX MUSEUM: A BRIEF HISTORY

The Great Blacks In Wax Museum, America's first wax museum of African American history, was founded in 1983 by Drs. Elmer and Joanne Martin, two Baltimore educators. However, the Martins' story begins in 1980 when with money they were saving for a down payment on a house, they purchased four wax figures. These they carted to schools, churches, shopping malls, and festivals throughout the mid-Atlantic area. Their goal was to test public reaction to the idea of a black history wax museum. So positive was the response that in 1983, with personal loans, they opened the Museum in a small storefront in downtown Baltimore. The success of the Museum, especially among students on field trips, made it imperative that the Martins find larger space. In 1985, the Martins closed the museum and organized an all-out fundraising effort to secure new and expanded space and to purchase more wax figures. Their efforts allowed them to purchase an abandoned fire station on East North Avenue. After extensive renovations, the Martins re-opened the museum in October of 1988.

When the Museum moved to its East Baltimore location, away from the lucrative Inner Harbor tourist market and decidedly off the beaten track, the naysayers declared that few people would venture into a deteriorating community to see a little wax museum. Yet in 1989, the first full year of operation in its new location, 44,000 visitors ventured into the neighborhood to see America's first black history wax museum. The visitorship held at annual average of 44,000 for the next three years and then increased in 1992 to 52,000, 61,000 in 1993, and 81,000 in 1994. In 2002, more than 300,000 people from across the nation visited the unique cultural institution.

A September 1994 article in the Afro American newspaper declared the Great Blacks In Wax Museum a ''National Treasure.'' In fact, the Museum serves the entire nation. International visitors have come from France, Africa, Israel, Japan, and many other continents and nations. The Great Blacks In Wax Museum story has been heralded by news media around the world, including CNN, The Wall Street Journal, The Washington Post, The New York Times, The Chicago Sun Times, the Dallas Morning News, Kulturwelt, USA/Africa, The Los Angeles Times, USA Today, Crisis, and Essence Magazine.

Approximately 200 wax figures and scenes, a 19th century slave ship re-creation, a special permanent exhibition on the role of youth in the making and shaping of history, a Maryland room highlighting the contributions of outstanding Marylanders to African-American history, gift shop, a mini auditorium for lectures and films are some of the major cultural features of one of America's most dynamic and unique cultural and educational institutions.

PLANNED EXHIBITS OF THE NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER

The following provides additional information about the planned exhibits of the National Great Blacks in Wax Museum and Justice Learning Center.

AFRICAN AMERICANS IN POLITICS, LAW AND GOVERNMENT

HISTORICAL PERSPECTIVE

At the end of the Revolutionary War, more than one-third of the three million people living in the U.S. were not free. Among this group were 600,000 slaves, 300,000 indentured servants, 50,000 convicts, and of course, Native Americans. Of the more than two million free Americans, only 120,000 could meet the requirements set up by individual states at that time for a person to be allowed to vote. These requirements centered around such factors as sex, age, residence, moral character, property, religion, slave versus free status, and race. By the end of the 1800's, most states had also added property and tax paying requirements to the list and many individuals who had been eligible to vote lost their privilege.

As more and more Blacks gained their freedom (either by purchasing it themselves or by being emancipated upon the death of their masters), states began to change their constitutions so as to exclude Blacks. Moreover, Blacks were denied the right to vote in every state (except Maine) that entered the union between 1800 and 1861.

The Civil War brought about a drastic change in the pattern of taking away the vote from Blacks because suddenly four million slaves were transformed into citizens possessing the right to vote. Within three years, the 15th amendment to the U.S. Constitution had given the right to vote to all male citizens regardless of race. Women, however, would not gain voting rights until decades later with the passage of the 19th amendment.

Following the Civil War, Blacks in the South voted in large numbers and elected many Blacks to office. Indeed, between 1870 and 1901, 22 African Americans (two Senators and 20 Representatives) were elected to the U.S. Congress. However, two factors were about to have a dramatic effect on Black voting rights: (1) the fear among many white people that Blacks would now gain political power, and (2) the effort of many government officials to impose punitive measures on the South, which succeeded in undermining the 15th Amendment and depriving Blacks of the vote.

Southern state after state began to enact laws that stripped away the right to vote of Blacks outright or that introduced such restrictions as the poll tax and the literacy test. And what these restrictions failed to accomplish were more than made up for by the Ku Klux Klan and other hate groups. By 1910, every Southern state had such controls. By 1902 not a single Black sat in either a state or federal legislature. Moreover, every state university and public facility that had once been desegregated was now segregated again.

Hope was reborn in the early part of the 1900's as leaders like W.E.B. Dubois began to exert pressure on the government to reinstate voting rights for Blacks. The effort of this more aggressive Black electorate and the success of Franklin Roosevelt in convincing Black voters that as President he would be committed to principles of equality would transform a traditionally Republican Black voter into a staunch supporter of the Democratic Party, a tendency which continues up to the present.

During the later decades African American participation in the political process has been influenced by the forces operating at the time. During the 1930's it was the migration of Blacks from the South to the North and from the country to the city. The 1960's created a sharp rise in the political consciousness of Blacks due in part to the enthusiasm generated by the Civil Rights

Movement. Throughout the past several decades, African Americans have been selected for political offices in ever-increasing numbers. Many of them have made their imprint on history.

In a 3,000 square foot gallery within the future National Great Blacks in Wax Museum and Justice Center consisting of the latest in interactive, multimedia technology, visitors will learn about:

The Civil Rights Struggle—Early Rights Movements; Civil Rights at the End of the Civil War; Civil Rights in the 20th Century; Civil Rights Activists.

The Legal Battleground—The Legal Status of African Americans: 1790–1883; African Americans and the Criminal Justice System; African Americans in the Federal Courts; African American on the U.S. Supreme Court; Major Federal Legislation; Major U.S. Supreme Court Decisions; Pioneering Jurists, Attorneys, Judges.

The Political Race—The role of African Americans in Politics from the Colonial Era to Today; African American Elected Officials and Political Appointees; Legalized Oppression; Women and Politics.

BLACK AMERICANS IN CONGRESS: 19TH CENTURY

The following great Black Americans will be featured in future exhibits in the National Great Blacks in Wax Museum and Justice Learning Center:

Blance Kelso Bruce—U.S. Senator (R–MS), 1872–1881. Blance Kelso Bruce was born in slavery near Farmville, Prince Edward County, Virginia on March 1, 1841. Having been tutored by his owner's son, Bruce escaped slavery at the beginning of the Civil War, taught school in Hannibal, Missouri, and later attended Oberlin College, in Ohio. After the war, he became a planter and local government official in Mississippi. Elected as a Republican, he was the first Black American to serve a full term in the United States Senate. Following his Senate service, Bruce was appointed Register of the Treasury and Recorder of Deeds for the District of Columbia.

Richard Harvey Cain—Member of Congress (R–SC), 1873–1875; 1877–1879. Richard Harvey Cain was born to free parents in Greenbrier County, Virginia, on April 12, 1825. Prior to his election to Congress, Cain was a minister and served as a delegate to the Constitutional Convention of South Carolina, and as a member of the State Senate. He was the first Black clergyman to serve in the U.S. House of Representatives. Following his Congressional service, he was appointed bishop of the African Methodist Episcopal Church in Washington, DC.

Henry Plummer Cheatham—Member of Congress (R–NC), 1880–1893. Henry Plummer Cheatham was born in slavery near Henderson, North Carolina on December 27, 1857. After graduating from Shaw University in Raleigh, he served as principal of the Plymouth Normal School and register of deeds for Vance County. He was the only Black member of the 52nd Congress (1891–1893). In addition to his Congressional service, Cheatham served as a delegate to two Republican National Conventions.

Robert Carlos DeLarge—Member of Congress (R–SC), 1871–1873. Robert Carlos DeLarge was born in slavery in Aiken, South Carolina on March 15, 1842. Prior to his Congressional service, he engaged in agricultural pursuits and served as a delegate to the State Constitutional Convention, as a member of the State House of Representatives, and as State Land Commissioner. DeLarge was an early organizer for the South Carolina Republican Party. He chaired the Platform Committee of the 1867 Republican State Convention.

Robert Brown Elliott—Member of Congress R–SC, 1871–1874. Robert Brown Elliott was born in Liverpool, England on August 11, 1842. He graduated from Eton College in England, studied law, and practiced law in Columbia, South Carolina. He served as a member of the State Constitutional Convention, of the State House of Representatives, and as Assistant Adjutant General of South Carolina. Following service in Congress, he served in the South Carolina House of Representatives, where he was elected Speaker, and subsequently was elected Attorney General of South Carolina.

Jeremiah Haralson—Member of Congress R–AL, 1875–1877. Jeremiah Haralson was born in slavery on a plantation in Georgia on April 1, 1846. He was taken to Alabama as a slave of John Haralson, and remained in bondage until 1865. Haralson engaged in agricultural pursuits, became a minister, and served in the Alabama State House of Representatives and Senate before his election to Congress. As a Member of Congress, he supported general amnesty for former Confederates.

John Adams Hyman—Member of Congress R–NC, 1875–1877. John Adams Hyman was born slave near Warrenton, North Carolina on July 23, 1840. He was sold and sent to Alabama, and then returned to North Carolina in 1865. Hyman became the first Black Member of Congress elected from North Carolina. In addition to his Congressional service, Hyman served as a delegate to the State Equal Rights Convention, the State Constitutional Convention, the 1867 Republican State Convention, and as a member of the State Senate.

John Mercer Langston—Member of Congress R–VA, 1890–1891. Johnson Mercer Langston was born in Louisa, Virginia on December 14, 1829, He graduated from Oberlin College, studied law and practiced as an attorney in Ohio. Langston was instrumental in recruiting Black troops during the Civil War. After the war, he moved to Washington, DC and served as Dean of the Law Department and as Acting President of Howard University. In addition to his Congressional service, he served as a delegate to the Republican National Convention. His descendant and namesake was the renowned poet Langston Hughes.

Jefferson Franklin Long—Member of Congress R–GA, 1870–1871. Jefferson Franklin Long was born in slavery near Knoxville, Georgia on March 3, 1836. He developed the trade of a merchant tailor in Macon, Georgia. Long was a statewide organizer for the Republican Party, and served on the state Republican Central Committee. Following his Congressional service, he was a delegate to the Republican National Convention in 1880.

John Roy Lynch—Member of Congress R–MS, 1873–1877, 1882–1883. John Roy Lynch was born in slavery near Vidalia, Louisiana on September 10, 1847. He was later taken to a plantation in Natchez, Mississippi. Following emancipation, he served as a justice of the peace and a member of the Mississippi House of Representatives, where he was elected Speaker. In addition to his Congressional service, Lynch was a delegate to five Republican National Conventions, chairman of the Republican State Executive Committee, a member of the Republican National Committee for the State of Mississippi, temporary Chairman of a Republican National Convention, Auditor of the Treasury for the Navy Department, and an officer in the Spanish-American War.

Thomas Ezekiel Miller—Member of Congress R–SC, 1890–1891. Thomas Ezekiel Miller was born to free parents in Ferrebeeville, South Carolina on June 17, 1849. He served as School Commissioner of Beaufort County, a member of the State House of Representatives, and of the State Senate. Following his Congressional service, Miller served as a member of the State Constitutional Convention in 1895, and as president of the State College in Orangeburg, South Carolina.

George Washington Murray—Member of Congress R–SC, 1893–1895, 1896–1897. George Washington Murray was born in slavery near Rembert, South Carolina on September 22, 1853. In addition to his Congressional service, he was a schoolteacher, inspector of customs at the port of Charleston, South Carolina, a realtor, writer and lecturer, and a delegate to several Republican National Conventions.

Charles Edmund Nash—Member of Congress (R–LA), 1875–1877. Charles Edmund Nash was born in Opelousas, Louisiana on May 23, 1844. A bricklayer by trade, Congressman Nash also served as Inspector of Customs and Postmaster.

James Edward O'Hara—Member of Congress (R–NC), 1883–1887. James Edward O'Hara, the son of an Irish merchant and a West Indian woman, was born in New York City on February 26, 1844. He studied law in North Carolina and served as clerk for the Constitutional Convention of North Carolina in 1868. In addition to his Congressional service, he served in the North Carolina House of Representatives, as chairman of the board of commissioners for Halifax County, and a member of the State Constitutional Convention in 1875.

Joseph Hayne Rainey—Member of Congress (R–SC), 1870–1879. Joseph Hayne Rainey was born in slavery in Georgetown, South Carolina on June 21, 1832. A barber by trade, he escaped to the West Indies and remained there until the close of the Civil War. He served as delegate to the State Constitutional Convention in 1868, a member of the State Senate, and Internal Revenue Agent of South Carolina. Rainey was the first Black American to be elected to the U.S. House of Representatives, and in 1874 became the first Black Member to preside over a session of the House.

Alonzo Jacob Ransier—Member of Congress (R–SC), 1873–1875. Alonzo Jacob Ransier was born to free parents in Charleston, South Carolina on January 3, 1834. In addition to his Congressional service, he served as a member of the State House of Representatives, as a member of the State Constitutional Conventions in 1868 and 1869, as Lieutenant Governor of South Carolina, as Chairman of the Republican State Central Committee, as delegate to the Republican National Convention in 1872, and as Internal Revenue Collector.

James Thomas Rapier—Member of Congress (R–AL), 1873–1875. James Thomas Rapier was born to free parents in Florence, Alabama on November 13, 1837. A cotton planter, he was appointed a notary public, was a member of the first Republican Convention held in Alabama, and member of the State Constitutional Convention at Montgomery in 1867. In addition to his Congressional service, Rapier served as Assessor of Internal Revenue, Alabama Commissioner to the Vienna Exposition in 1873, and U.S. Commissioner to the World's Fair in Paris.

Hiram Rhodes Revels—U.S. Senator (R–MS), 1870–1871. Hiram Rhodes Revels was born to free parents in Fayetteville, North Carolina on September 27, 1827. A barber and ordained minister, he assisted in recruiting two regiments of Black troops at the outbreak of the Civil War. Revels served as chaplain of a Black regiment in Vicksburg, Mississippi, organized Black churches in the State, and was a member of the State Senate. He was Secretary of State Ad Interim of Mississippi, and president of Alcorn University in Rodney, Mississippi. Hiram Revels was the first Black American elected to the United States Senate.

Robert Smalls—Member of Congress (R–SC), 1875–1879, 1882–1883, 1884–1887. Robert

Smalls was born in slavery in Beaufort, South Carolina on April 5, 1839. He became an expert pilot of boats along the coasts of South Carolina and Georgia and learned the Gullah dialect of Sea Islanders. In addition to his Congressional service, Smalls was a member of the State Constitutional Convention 1868, served in the State House of Representatives and in the State Senate, and was twice a delegate to Republican National Conventions. Representative Smalls is currently featured in the Great Blacks in Wax Museum.

Benjamin Sterling Turner—Member of Congress (R–AL), 1871–1873. Benjamin Sterling Turner was born near Weldon, North Carolina on March 17, 1825. Raised as a slave, he moved to Alabama and was elected Tax Collector of Dallas County and Selma City Councilman. He was the first Black Member of Congress from Alabama. Following his Congressional service, Turner was a delegate to the Republican National Convention in 1880.

Josiah Thomas Walls—Member of Congress (R–FL), 1871–1873, 1873–1875, 1875–1876. Josiah Thomas Walls was born in Winchester, Virginia on December 30, 1842. He moved to Florida and was a delegate to the State Constitutional Convention in 1868, and served in the State Senate prior to his election to Congress.

George Henry White—Member of Congress (R–NC), 1897–1901. George Henry White was born in Rosindale, North Carolina on December 18, 1852. He was the last former slave to serve in Congress. In addition to his Congressional service. White was Principal of the State Normal School of North Carolina, a member of the State House of Representatives and the State Senate, a solicitor and prosecutor, and was twice a delegate to Republican National Conventions.

DISCOVERY AND SETTLEMENT: BLACK AMERICAN PIONEERS

Current Exhibits—The following exhibits are currently on display in the Great Blacks in Wax Museum collection:

Matthew A. Henson (1866–1955) was an international explorer and the first person to reach the North Pole as a member of Commodore Robert E. Peary's 1909 expedition. He later chronicled his experiences in the book A Negro Explorer at the North Pole (1912). President William Howard Taft appointed Henson to the position of Clerk in the U.S. Customs House in New York City, a position Henson held until 1936, when he retired. In 2000, the National Geographic Society posthumously awarded Henson the coveted Hubbard Medal for Distinction in Exploration and Discovery.

James Weldon Johnson (1871–1938), renowned writer, poet and statesman, and NAACP executive director, observed: ''Your West is giving the Negro a better deal than any other section of the country. There is more opportunity for my race, and less prejudice against it in this section of the country than anywhere else in the United States.''

Bill Pickett (1870–1932), born to former slaves in Texas, was one of the greatest cowboys that ever lived. Known to tackle a steer and other beasts without a lariat, he is credited with originating the rodeo sport known as ''steer wrestling.'' Pickett was the first Black cowboy to appear in Western movies, and the first Black inductee into the National Cowboy and Rodeo Hall of Fame.

Future Exhibits—The following exhibits are planned for the National Great Blacks in Wax Museum and Justice Learning Center:

Henry Adams (1843–?), born into slavery, led the ''Black Exodus,'' a migration of 40,000 African Americans to the Free State of Kansas. ''Exodusters'' settled all-Black towns and were able to achieve a significant measure of economic and political freedom.

All-Black Towns. All-Black towns were established in Western states and territories during the late 1800s. In California, these include Kentucky Ridge (Placerville), Negro Bar (part of Folsom), Negro Slide (in Pumas County), Negro Tent (located between Comptonville and Goodyear), and Negro Hill (near Sacramento). In Oklahoma, they include Bernon, Boley, Brooksville, Clearview, Grayson, Langston, Lima, Redbird, Rentiesville, Summit, Taft, Tatums, and Tullahassee.

James Pierson Beckwourth (1798–1866), who escaped from slavery, played a major role in the exploration and settlement of Western states. Beckwourth fought in the California Revolution in 1846, and became chief scout for General John C. Fremont. The town of Beckwourth, California was named after him, as was Beckwourth Trail, an overland route he charted from Sparks, Nevada across the Sierra Nevada to Lake Oroville, California. He was the only Black frontiersman to record his life story.

George Bonga (1802–1880) was a renowned fur trader and trapper born in Minnesota. The grandson of Jean Bonga, the first Black settler in the Northwoods (1782), he could speak English, French and Ojibwa. In 1820, he served as interpreter for Minnesota Governor Lewis Cass at a council held in Fond du Lac territory. In 1837, Bonga successfully apprehended Che-Ga Wa Skung, a Chippewa Indian wanted for murder. The subsequent trial at Fort Snelling became the first trial for a criminal offense held in Minnesota.

Clara Brown (1800–1885), born into slavery, traveled to Denver, Colorado as a cook on a wagon train. Brown was the first Black woman to cross the plains during the Gold Rush. She settled in Central City, Colorado, established its first laundry, accumulated wealth, and brought freed slaves to Colorado. She was made an honorary member of the Society of Colorado Pioneers.

Buffalo Soldiers—In the late 1800s, the all-Black 9th and 10th U.S. Army Cavalry Regiments and 38th Infantry served in New Mexico, Arizona, Colorado, Utah, Nevada, Kansas, Oklahoma, Wyoming, Montana, Texas, and the Dakotas. They built forts and roads, strung telegraph lines, protected railroad crews, escorted stages and trains, protected settlers and cattle drives, and fought outlaws. Indians called them ''Buffalo Soldiers,'' and the soldiers wore the title proudly.

Jean Baptiste Pointe DuSable (1745–1818) established the first permanent settlement of Chicago, Illinois in 1790. He owned a highly profitable trading post which became the main point of supply for traders and trappers heading West. His granddaughter born in 1796 was the first child born in Chicago.

Estevanico (1503–1539), an African enslaved by the Spanish, led an expedition from Mexico into the territory of the American Southwest in 1538 and is credited with the discovery of the area that became the states of Arizona and New Mexico.

Mary Fields (1832–1914), born a slave, became a renowned figure on the American Western frontier known as pistol-packing ''Stagecoach Mary.'' In 1895, she was hired as a U.S. Mail coach driver for the Cascade County region of central Montana, becoming the first Black woman to drive a U.S. Mail route. She and her mule Moses never missed a day, and thus she earned her nickname ''Stagecoach'' for her unfailing reliability.

Henry O. Flipper (1856–1940) was the first Black graduate of the U.S. Military Academy at West Point, and the first Black Army commissioned officer. A Buffalo Soldier, Flipper was stationed at Fort Sill, Oklahoma and Forts Concho, Elliott, Quitman and Davis, Texas. He was a signal officer and quartermaster, installed telegraph lines, and supervised road building. Flipper directed construction of a drainage system at Fort Sill that prevented the spread of malaria. ''Flipper's Ditch'' is a National Historic Landmark.

Thomas ''O.T.'' Jackson (1846–1906), a barber from Watsonville, California, was a tenor in several internationally prominent Black minstrel groups in the late 1800s. He headlined numerous engagements, including performances before King Edward VII of England. His improvisational musical technique influenced various music styles in the West in the 20th century, as well as the development of Jazz and other African American music forms.

William A. Leidesdorff (1810–1848), the son of a Danish sailor and a Black woman from St. Croix, Virgin Islands, came to Yerba Buena (San Francisco) in 1841. Within three years he owned waterfront property and the largest house in San Francisco. Leidesdorff built San Francisco's first hotel, helped establish it first public school, launched the state's first steamship, and staged its first horse race. He also acquired a 35,000-acre parcel of land encompassing modern Folsom, California. Leidesdorff died just after his neighbor and trading partner John Sutter discovered gold.

Nat Love (1854–1921), better known as ''Deadwood Dick,'' was born into slavery in Tennessee and moved to Dodge City, Kansas. He became a rugged cowpuncher, champion rodeo rider and roper, and cattle driver. In 1907, Love wrote a highly romanticized autobiography portraying a life filled with Indian fights, famous outlaws, and amazing feats. In so doing, he sought to become accepted as the prototype of the dime novel ''Deadwood Dick'' series.

Bridget (''Biddy'') Mason (1818–1891), born a slave in Mississippi, trekked with her owner's family to San Bernardino County, California. Once in California, Mason petitioned the courts for freedom, which was granted in 1856. Business and real estate transactions enabled her to accumulate a substantial fortune, and she gave generously to charities, providing food and shelter for the poor of all races. In 1872, she founded and financed the first African American church in Los Angeles.

George Monroe delivered mail in the mid-1800s by Pony Express between Merced and Mariposa, California. He became a stage driver, and was chosen to drive President Ulysses Grant to Yosemite, where an area called Monroe Meadows is named after him.

Mary Ellen Pleasant (1814–1904), known as the ''Mother of Civil Rights'' in California, spent most of her life in San Francisco where she provided shelter for fugitive slaves. In 1866, she petitioned the California courts by suing to overturn the Mission and Northbeach Railway Company's policy segregating the races, and she later won a judgment of $600.

Bass Reeves (1824–1910), born to slave parents in Texas, became the first Black commissioned U.S. Deputy Marshal west of the Mississippi River. Reeves lawfully killed 14 notorious outlaws in the performance of his duty over 32 years. He was honored with the ''Great Westerner'' award by the National Cowboy and Rodeo Hall of Fame.

William Robinson delivered mail by Pony Express from Stockton, California to gold miners.

Jeremiah B. Sanderson (1846–?) opened the first Black schools in Oakland, Sacramento, San Francisco and Stockton, California.

Cathay Williams (1842–1924), born a slave, is believed to be the only woman to serve as a Buffalo Soldier. In 1866 she joined the 38th Infantry, one of four all-Black military units, pretending to be a man (William Cathay). She served at Forts Riley and Hacker

in Kansas, and Forts Bayard, Union and Cummings in New Mexico, until military medical personnel discovered that she was a woman. Her commander reported her to be a ''good soldier.''

''York,'' a slave, was a member of the 1804–1806 Lewis and Clark Expedition and served as William Clark's lifelong servant and companion.

GREAT BLACKS IN THE EXECUTIVE BRANCH

The following great Black Americans are planned for future exhibits in the National Great Blacks in Wax Museum and Justice Center:

Clifford L. Alexander, Jr., a native of New York City, was Foreign Affairs Officer in the National Security Council during President John F. Kennedy's administration and Secretary of the Army during President Jimmy Carter's administration. He was the first Black to lead a Branch of the United States Armed Services.

Mary Frances Berry, a native of Nashville, Tennessee, was Assistant Secretary for Education, U.S. Department of Health, Education and Welfare, during the Carter administration, and Chair, U.S. Commission on Civil Rights, during President William J. Clinton's administration.

Mary McLeod Bethune, a native of Mayesville, South Carolina, was a member of the Advisory Committee on National Youth Administration during President Franklin D. Roosevelt's administration; member of Roosevelt's ''Black Cabinet.'' She is currently featured in the Great Blacks in Wax Museum.

Ralph Bunche, a Detroit native, was Senior Social Science Analyst, Office of Secret Service, during the Franklin D. Roosevelt administration. He also served as Undersecretary in the United Nations Secretariat, and Undersecretary for Special Political Affairs during the Eisenhower administration. The recipient of the 1950 Nobel Peace Prize, Bunche's record of service and honors received is extensive.

William Coleman, Jr., a Philadelphia, Pennsylvania native, was Secretary of Transportation during President Gerald R. Ford's administration. He was the second Black cabinet member ever appointed.

John P. Davis, together with Ralph Bunche, founded the National Negro Congress during the 1930s. Davis was a member of Franklin D. Roosevelt's ''Black Cabinet.''

Drew S. Days III, a native of Atlanta, Georgia, was Solicitor General of the United States and Assistant Attorney General for Civil Rights during the Carter administration.

Patricia Roberts Harris, Secretary of Housing and Urban Development and Secretary of Health, Education and Welfare in the Carter administration, was born in Mattoon, Illinois. She was the first Black female cabinet member ever appointed, and the first Black person appointed to two cabinet positions.

William H. Hastie, a Knoxville, Tennessee native, served as Attorney, Office of the Solicitor, U.S. Department of the Interior, in the Franklin D. Roosevelt, and was a member of Roosevelt's ''Black Cabinet.''

Dr. Benjamin L. Hooks is a native of Memphis, Tennessee. In 1972 President Nixon named Hooks, a lawyer and Baptist minister, to the Federal Communications Commission, making him its first Black member. From 1977 to 1993 he was executive director of the NAACP. Dr. Hooks is currently featured in the Great Blacks in Wax Museum.

Kay Coles James, of Virginia, served as head of the National Commission on Children during the Reagan and Bush I administrations, and as Associate Director of the Office of National Drug Control Policy under the first Bush administration. She currently serves as director of the Office of Personnel Management under President George W. Bush.

Eugene Kinckle Jones, a native of Richmond, Virginia, was a member of Franklin D. Roosevelt's ''Black Cabinet.''

Gwendolyn S. King, a native of East Orange, New Jersey, was Commissioner of Social Security in the George H.W. Bush administration.

Thurgood Marshall, a native of Baltimore, Maryland, was Solicitor General of the United States in President Lyndon Johnson's administration. He subsequently served as Associate Justice of the United States Supreme Court.

Frederick D. McClure, a native of Fort Worth, Texas, was Assistant to the President for Legislative Affairs, the White House, during the George H.W. Bush administration, and Special Assistant to President Ronald Reagan for Legislative Affairs.

Wade H. McCree, Jr., a native of Des Moines, Iowa, was Solicitor General of the United States in the Carter administration.

E. Frederic Morrow was Speechwriter and Administrative Officer for Special Projects, the White House, during the Dwight D. Eisenhower administration. Morrow was the first Black person to serve in an executive position on a president's staff at the White House. He chronicles his experiences in the book, ''Black Man in the White House'' (1963).

Azie Taylor Morton, a native of Dale, Texas, was a member of the Committee on Equal Employment Opportunity in the Kennedy administration. Morton also served as National Director of the U.S. Savings Bonds Division and Treasurer of the United States, U.S. Department of the Treasury, in the Carter administration.

Constance Berry Newman, was Director, Office of Personnel Management, in the George H.W. Bush administration and Under Secretary of the Smithsonian Institution in the George H.W. Bush and Clinton administrations. Newman has also served as Assistant Secretary of the U.S. Department of Housing and Urban Development, Director of VISTA, and Commissioner and Vice-Chair of the Consumer Product Safety Commission. She is currently Assistant Administrator for Africa, U.S. Agency for International Development, in the George W. Bush administration.

Condoleezza Rice, a native of Birmingham, Alabama, served as Senior Director for Soviet and East European Affairs, National Security Council, and Special Assistant to the President for National Security Affairs, in the George H.W. Bush administration. She currently serves as National Security Advisor in the George W. Bush administration.

Samuel R. Pierce, Jr., a native of Glen Cove, New York, was Secretary of Housing and Urban Development under the Reagan administration.

Colin L. Powell (1937–), a native of New York City, served as National Security Advisor under the Reagan administration and Chairman, Joint Chiefs of Staff, under the George H.W. Bush administration. He currently serves as Secretary of State in the George W. Bush administration. Secretary Powell is currently featured in the Great Blacks in Wax Museum.

Louis F. Sullivan, M.D., an Atlanta, Georgia native, was Secretary of Health and Human Services under the George H.W. Bush administration.

Terence A. Todman, a native of St. Thomas, U.S. Virgin Islands, was Assistant Secretary of State for Inter-American Affairs under the Carter administration.

Robert Weaver, a Washington, DC native, was a member of Franklin D. Roosevelt's ''Black Cabinet''; Special Assistant for Negro Affairs, Office of the Administrator of the U.S. Housing Authority, in the Kennedy administration; and Secretary of Housing and Urban Development under the Johnson administration. Weaver was the first Black cabinet member ever appointed.

Clifford R. Wharton, Jr. was Deputy Secretary of State in the Clinton administration.

Walter White, a native of Atlanta, Georgia, was member of Franklin D. Roosevelt's ''Black Cabinet.''

J. Ernest Wilkins, Sr., a native of Chicago, Illinois, was Assistant Secretary of Labor for International Affairs under the Eisenhower administration.

Andrew Young (1932–), a native of New Orleans, Louisiana, was appointed U.S. Ambassador to the United Nations by President Jimmy Carter. He previously served three terms in Congress as a representative from Georgia.

JUNE 13, 2003, RUBBER STAMP DAY ON PRESIDENT BUSH'S TAX LEGISLATION

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I take the floor right now to remind Members to bring their rubber stamp tomorrow. The rubber-stamp Congress will be in session.

They are meeting right now up in the Committee on Rules, and they are dropping an $80 billion tax bill that never went to the Committee on Ways and Means I sit on. Nobody has ever seen it, but it is being dropped here all of a sudden because the majority leader finally quit resisting what the Senate wanted to do. We are going to run it out of here. The chairman did not even go upstairs to explain the bill, they just sent it up there, they greased it, and it is coming down here. Everybody should remember, bring this stamp.

This stamp said ''Official Rubber Stamp. I approve of everything George Bush does,'' signed: The Member. That is what we ought to have tomorrow, because we are going to run another $80 billion out, put people more in debt, and that is what we consider legislation in this one-party system.

Do not forget, Members should bring their rubber stamp tomorrow morning.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

(Mr. CULBERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OHIO IS THE BIRTHPLACE OF AVIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HOBSON) is recognized for 5 minutes.

Mr. HOBSON. Mr. Speaker, I rise in reaction to my colleague and friend, the gentleman from North Carolina's

public objection to Dayton, Ohio being known as the birthplace of aviation.

No one disputes the fact that Kittyhawk in North Carolina was the site of the first successful controlled power flight in history. However, Dayton, Ohio's claim to be the birthplace of aviation is based upon much more than just the first limited flight.

As a new historical work on the lives of the Wright brothers states, ''The four short flights in North Carolina showed that their math was close enough; Heavier than air flight was possible. The practicality of the Wright Flyer was achieved in 1904 and 1905 in a little-known place of great consequence, Huffman Prairie, an 85-acre cow pasture 10 miles east of Dayton.

Huffman Prairie Flying Field, which is in the Seventh Congressional District, which just happens to be my district, is located on the grounds of Wright Patterson Air Force Base. The flying field, which is undergoing a restoration to its 1905 appearance, has recently been opened to the general public, complete with a new interpretive center so visitors can understand the importance of the early flight testing and aircraft development that occurred there.

Even the press at the time did not grasp the significance of what had occurred at Kitty Hawk. It took several years of additional flights, I might say at Huffman Prairie, before the public finally acknowledged that the Wright brothers had invented a workable aircraft. If the Wright Brothers had not continued their history-altering work in Ohio, it is quite possible that the North Carolina exploits would have been lost in history.

As I have said before, North Carolina can always claim the location of the first flight by the Wright brothers, but it is their hometown that saw the laborious construction and endless testing that was required to allow it to take to the sky and mature as a reliable form of transportation that we all now enjoy.

North Carolina has the sand dunes where the first flight occurred, but Dayton, Ohio has the Dayton Aviation Heritage National Historical Park, encompassing the Wright Cycle Shop, Huffman Prairie Flying Field, the John W. Berry, Sr. Wright Brothers Aviation Center, and the Paul Laurence Dunbar State Memorial.

Dayton also has the National Aviation Hall of Fame, Wright Patterson Air Force Base, the U.S. Air Force Museum, and the final resting place of the Wright brothers. It is based upon all of these important sites and the local life experiences of the Wright brothers that Dayton should be known as the ''birthplace of aviation.''

As an Ohioan, I am proud to reside in the same State as the two Wright brothers whose invention changed the world; and more importantly, the fact that they were also in Ohio's Seventh Congressional District, which I now represent.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHERE IS THE BALANCED BUDGET AMENDMENT CALLED FOR IN 1974 BY THE SPEAKER OF THE HOUSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, on March 17, 1994, then a Member of the House, the gentleman from Illinois (Mr. HASTERT) came to the floor and said, ''Clearly, our Nation's monstrous $4.3 trillion Federal deficit, until it is eliminated, interest payments will continue to eat away the important incentives which the government must fund. I will not stand by and watch Congress recklessly squander the future of our children and grandchildren.''

Later in that same day he said, ''In light of Congress' exhibited inability to control spending and vote for real fiscal responsibility, it is imperative that we have a balanced budget amendment to compel Congress to end its siege on our financial future.'' That was on March 17, 1994.

As most of us are aware, the gentleman from Illinois (Mr. HASTERT) has been the Speaker now for about 1,613 days. In that 1,613 days, he who controls every single amendment that comes to this House floor, when we start, when we stop, every bill that comes to the floor, he who appoints the members of the Committee on Rules that decide which amendments are germane, those that can be offered, has not allowed a vote on a balanced budget amendment.

We would think there were a couple of things that would come to his mind, since in 1994 he spoke so strongly of the need for a balanced budget. I would like to ask Max, Trevor, Sarah, and Krystle-Joy to come to the floor.

See, in the time that the gentleman from Illinois (Speaker HASTERT) has been Speaker, and they can stand in front of me, it is their big moment in the sun, in the 1,613 days the gentleman from Illinois (Mr. HASTERT) has been Speaker, we would think the gentleman who cares that much about the national debt would maybe let the debt go up by, say, $914. But that is not the case.

Now I need Michael, Bryan, and Taylor to join us, because the Speaker has had 1,613 days. I guess I can take 5 minutes.

Now, in the time that the Speaker has been for a balanced budget, he says, we would think the debt might grow by $914,878. That is not the case.

I need Amanda, Mark, and Robin to join us.

PARLIAMENTARY INQUIRY

Mr. BUYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. FEENEY). The gentleman will state it.

Mr. BUYER. Mr. Speaker, I would like to know whether or not this fits the proper decorum of the House and whether this is a proper utilization of a prop. My question is whether this meets the decorum of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. A question has been raised about decorum under the rules of the House.

The Chair would rule that it maybe appropriate to use the exhibits that are presented, but it is inappropriate to refer to individual House pages by name. As long as otherwise that the exhibits are used in appropriate decorum and pages are not referenced by name, then the gentleman can proceed.

Mr. BUYER. Thank you, Mr. Speaker.

Mr. TAYLOR of Mississippi. Again, Mr. Speaker, in that 1,613 days since the gentleman from Illinois (Speaker HASTERT) way back when told us he was for a balanced budget, we would think that the debt would have grown by only 914,878.72, with a couple of commas thrown in, but it is not the case.

I regret to do this, but I have been told by the Chair that I cannot call the pages by their first names, so I am going to have to ask page 11, 12, and 13 to come forward, under the Rules of the House.

Again, since the Speaker told us way back when how adamantly he was for a balanced budget, we would have thought that by now, and since I am losing track with a couple of commas in there, that he would have said, enough, it is time for a balanced budget amendment. Time to let Members at least vote on it. Now, 1,613 days later, it still has not happened.

Now I have to ask pages 14, 15, and 16, and I practiced saying your names, so I apologize. Now, if the camera can get all of this, we can let some Members have some idea, not of the national debt, but of how much the debt has grown in 2 years and 1 week since the passage of the Bush tax cuts and the Bush budget.

The first $2 trillion spending bill passed by this Congress did not come from a Democratic President, it came from a Republican President. The tax cuts, they increased spending, decreased revenues, and this is the difference.

I think it is particularly appropriate that these fine young people from all parts of our country are holding the

sign. The lobbyists who benefited from this and the fat cats who are having big dinners tonight who benefited from this, they are not going to pay this bill. These kids are. These kids and their kids and their kids.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. KINGSTON. Mr. Speaker, the gentleman cannot use pages as props for his speech. They can be of assistance in holding the sign, but they cannot be referred to as props in the manner in which my friend, the gentleman from Mississippi, has just done.

The SPEAKER pro tempore. The gentleman's inquiry of the Chair is appropriate. At this point the Chair would remind the gentleman not to refer to the pages by name or by their presence. The exhibits themselves may be an appropriate use at this time, but the gentleman whose time it is will decline to reference pages individually or collectively.

□ 1700

Mr. TAYLOR of Mississippi. To the gentleman from Georgia (Mr. KINGSTON), if I had voted to stick these children with that bill, I would be as ashamed to look at their faces as the gentleman is.

I did not vote to stick these kids with that bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). The gentleman is out of order. He has referred to pages as props when the Chair has ruled that their presence on the floor cannot be mentioned.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Speaker, the gentleman is not referring to the pages themselves as pages. He is referring to the pages that the pages are holding, the 914, 878, 724. This is a parliamentary inquiry for clarification, Mr. Speaker. He was referring to the pages that the pages are holding.

Mr. KINGSTON. Mr. Speaker, the gentleman is right. He is using the pages in an incorrect manner.

Mr. JACKSON of Illinois. I have not yielded my time. Under the House rules, the pages are allowed to hold these pages, and as long as the gentleman does not refer to the pages by name, he can refer to the pages.

The SPEAKER pro tempore. The gentleman is correct, that the pages are permitted to facilitate the presentation of exhibits, but any reference in any speech to the pages or to visually suggest that they are part of the exhibits themselves or any suggestion that the debate should involve the pages individually or collectively, is not in order.

The exhibits themselves may be referred to. The pages may not be referred to.

The gentleman may proceed.

Mr. TAYLOR of Mississippi. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) has 30 seconds to not refer to the pages but to refer to the exhibits.

Mr. TAYLOR of Mississippi. Mr. Speaker, I know that most Americans are at work right now. Some of you are watching. If you care about your country, you have got to be upset that in almost a little over 2 years almost $1 trillion has been added to the national debt. To make a reference from that, we went all the way from 1775 to 1975 and did not borrow that much money.

The next time one of my Republican colleagues looks you in the eye and tells you he is a fiscal conservative, ask him about that trillion dollars and the $1 billion a day that we will pay in interest on that money and will pay for the rest of my lifetime, your lifetime, and, God bless them, Mr. Speaker, these kids' lifetime.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is advised that in addition to the admonitions, that Members must decline to address the television audience. In addition, the Speaker is taking under advisement the future use and appropriateness of using pages.

CONGRESS SHOULD DO WHAT IS RIGHT FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I appreciate our friend, the gentleman from Mississippi (Mr. TAYLOR), for advancing the cause of fiscal restraint, something that we do need to do in this House. And it is interesting, particularly since the Democrats are right now promoting an expansion of welfare in an unfunded way, and proposing to increase spending on welfare $3.5 billion, and that is to give a tax rebate to people who have not paid taxes.

It is an idea that is ironic since 197 of them voted against it originally in May 2001, but they all seem to want to spend more regardless of what our budgets are doing.

I have just come from an appropriations meeting. And what is interesting about that is that on the appropriations bills, we have 13 of them, I believe, Mr. Speaker, every bill, it is particularly interesting since every one of our 13 appropriations bills, no matter what we propose in the Republican Party, the Democrats make a counterproposal to spend more. And I realize that my friend, the gentleman of Mississippi (Mr. TAYLOR), is in the minority of the Democratic Party where they do wake up in the morning and worry about spending. And I am glad that he does because I share his concerns about it. But I just point out that the majority of his party, when it comes to spending bills, wants to spend more. And no matter what it is, we are not spending enough for this cause; we are not spending enough for that cause.

I want to also point out, sometimes it is easy when you are in the minority and you do not have to necessarily make the vote for war, but we are in a situation after 9–11 where America was under attack. Americans were hurt, injured, and killed in their workplace. And while some on the left sat around and said what did we do wrong or why do they hate us, others in the greater majority, not just the Republican Party but in America as a whole, said, look, we are going to defend our borders. We are going to defend our domestic areas. We are going to just defend our homeland. And to do that, unfortunately, you do have to spend money because it costs money to go to Afghanistan, to send helicopters and tanks over there. It costs money to send troops to the Middle East. And that does add up to some deficit spending.

It is something we do want to get under control. But I would certainly hope that the gentleman and others were not suggesting that the war for the liberation of Iraq was wrong, the war to find bin Laden was wrong, the war to liberate Afghanistan from Taliban rule was wrong. Because I believe most Americans support those actions and most Americans are glad that we are taking these steps.

When people say to you things like, how can you look the children in the eye, well, to me how could you not look the children in the eye and say, you know what, we are going to defend our homeland and we are going to secure our borders.

There is an international war on terrorism and America seems to be leading the way. America has also been the victim of it, but we are going to win that battle.

And if the gentleman and others would look at the budget, they can see that that is where the majority of our spending went and it is going to continue to go. But we want to work with the Democrats to get spending under control. My concern of it is not in just dollars and cents, but my concern is the encroachment of the government on the private sector. Every dollar we put in the government, that is more freedom we lose, particularly in the private sector.

So I hope as we begin the appropriations process this year that we can have a lot of amendments from our Democrat friends that actually reduce spending so that when we run the legislative branch bill out here, when we run military construction out here, when we run the education bill out here, if they have ideas for saving money, I want to do everything I can to make those amendments offered by my friend, the gentleman from Mississippi (Mr. TAYLOR), or anybody else over there, the so-called Blue Dog Caucus, I want their amendments to be in

order so we can work together in a bipartisan fashion and reduce spending. Because I think that the best of our party and the best of their party should do what is right for the best of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESS NEEDS TO WORK IN A BIPARTISAN MANNER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman very much; and I appreciate my good friend, the gentleman from Georgia (Mr. KINGSTON), insisting that we have a balanced budget.

Might I remind him that as we speak, the Committee on Rules is meeting and having the opportunity to review the $82 billion tax proposal of the Republicans of this House, when all that we ask for and all that is necessary is that we take the Senate bill that has just been passed to fix the major error that occurred last week when this body, this Republican House and Republican Senate, refused to provide a child tax credit for working families making $10,000 to $26,000 a year.

The Senate fixed it last week. The bill from the Senate is right here at the desk. All this House needed to do was to adopt the Senate language. It would immediately go to the President's desk. It would be immediately signed by the President, and now 19 million children would be able to have the same child tax credit refund that the rich have been able to get by the President's tax bill. But lo and behold, the very same party that has stood up and indicated that they are willing to fight the deficit, they have now before us an $82 billion jump of a tax cut that has all of the kitchen sink in it, and they want to keep the children of America from getting their tax cut.

I hope we can work on this issue in a bipartisan manner, Mr. Speaker. I hope the Committee on Rules right now will reject the proposal by the Committee on Ways and Means, the Republican Committee on Ways and Means. This potpourri of taxes that eliminates the opportunity for us to move quickly to the President's desk with a clean, stand-alone tax cut that provides a refund to the children of America, a simple $154 that we can give to 19 million children and their families and those that make $10,000 to $26,000 a year. I hope we can do that.

Mr. Speaker, I want to finish on this very important concern that I have, and that is that over the weekend we heard a lot of scrambling on the Sunday morning talk shows about a call for congressional investigations about the question of the existence of weapons of mass destruction.

Mr. Speaker, I do not know if there are weapons of mass destruction. And I am not intending to be in an argument with my administration on the question of their veracity. But I do want to be in an argument on behalf of the American people. They need to know the truth. So I am calling for an independent investigation, a special prosecutor, or a special commission to investigate what was known by the administration and what level of intelligence was given when we made the decision to go to war with Iraq. What kind of intelligence and documentation of the intelligence that would have given the necessary impetus or basis of going to war, what was known by the intelligence community, what facts did they give about the weapons of mass destruction, why was a decision made to go to war with respect to the intelligence given when we know that the U.N. inspectors were doing the very same thing?

The argument that the administration made is that we know there are weapons of mass destruction, we know that they are there, and the U.N. inspectors are not doing their job and they are not doing it fast enough. Two months later after the official part of the war has ended, although we are still at war, we do not have the weapons of mass destruction.

Mr. Speaker, this is a constitutional question of war and peace. We were supposed to declare war under article I of the Constitution. We did not do that. Members of this House were moved to tears when they made the decision to vote on the question of going to war. What a tragedy if we did not have the sufficient intelligence or the accurate intelligence or the intelligence community did not truthfully give the facts necessary to make an intelligent decision that sent young men and women off to their deaths.

I believe we owe the American people the truth. The Congress is not going to do it. I understand there is a complete collapse in the other body with respect to bipartisan hearings on the question of what kind of intelligence was given to make the decision. Then forget about it. Give the American people the truth. We need to have an independent investigation, an outside commission, and/or a special prosecutor, which I am calling for and will make an official demand for it in the following days to come.

I hope that we realize that truth to the American people is our obligation as members of this government. The American people must depend upon our veracity, and as well they must depend upon the right decisions being made on their behalf and on behalf of the young men and women in the United States military. We salute them for their willingness to offer the ultimate sacrifice, but I believe truly it is important for us to have the truth on this issue, and an independent investigation is well needed.

MEDICARE PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I come to the House currently to discuss the Medicare issue, and this is a tough issue that is facing us. It is one whereby Members can choose a political route, or they can choose a route of policy.

The numbers that are presently in front of us cannot lie. These numbers are cold. They will not go away, and that is that we have this: the demographics, the baby boomers when they become seniors, there is a smaller population behind them, and the present Medicare model as we know it cannot exist unless we go to a 20 percent payroll tax.

There is a desire here within Congress to deliver a prescription drug benefit to Medicare. Well, if we just add prescription drugs to Medicare without addressing the long-term solvency, we have only exasperated the insolvency of Medicare as we know it.

□ 1715

Therein lies our challenge. So I believe if we just added a prescription drug benefit to Medicare without making this long-term solution to the solvency of Medicare, that is a very faulty approach.

Right now within the Republican Caucus there is a discussion about two approaches on how to do this. These are two completely different approaches.

The country has had an opportunity to see the approach sponsored by the gentleman from California (Mr. THOMAS) as chairman of the Committee on Ways and Means, because Congress has passed this measure two other times, and that is an insurance-based product, a defined benefit. We provide a cash assistance to beneficiaries to help them manage their drug bill and to make that assistance then targeted to those who need it.

We create this insurance pool for the purchase of drugs-only insurance which the Federal Government would then underwrite. These are two different approaches.

The first approach that I mentioned, really, is there are five of us that have come together and have drafted this approach. This insurance-based approach, though, really begins to concern us. It concerns us because there

are not any willing carriers out there who are going to step forward and say, well, we believe that there is insurable risk here and we will offer this product. Really? They will offer the product if the government becomes the guarantor, and then the real question is, well, then does THE government have to become the guarantor in order for them to make a profit and deliver it?

We have a great concern about the viability of an insurance-based product, and that is the reason five Members of Congress have come together and we have drafted a completely different approach.

What I would like to do is share the principles of our approach. Our Medicare prescription drug package proposes, number one, a generous assistance to low-income seniors and the disabled, a defined contribution. We have a specifically defined assistance to all seniors that rely on income. We also have family-friendly participation through a tax benefit. We also encourage participation by employers through a tax benefit, and we also have a stop-loss coverage for high-risk drugs to all seniors. We also provide a bridge to comprehensive reform for long-term solvency that we call enhanced Medicare, and what we are tying to do is provide choices for seniors with lower prices in a private sector approach.

What does all this mean? All this means is that what we hope to accomplish is that we turn to those in the private sector to have what we call a value card, and these different groups, companies could be approved by CMS, and they then, by virtue of their membership and their purchasing power, they provide discounts. An individual would have a discount card. They are automatically enrolled. They can opt out, but they are automatically in. It costs $30, and then government, based on their income, adds dollars to their card, and then they are able to take this card and they can swipe it down at the drugstore and they keep track of the drugs for which they purchase.

Where we want to be family friendly is often we say, parents, get active in the lives of your children. Well, I also want to turn and say, children, get active in the lives of your parents. So if you have an elderly parent who also needs assistance to buy drugs, I do not know why children are not getting more involved in the lives of their parents. What they can do is they can get a $4,000 tax deduction, and they can add $4,000 then to their parents' drug card. We think this is being very family friendly.

We also have a catastrophic coverage and we think that is important. And tomorrow, hopefully, there will be a Republican conference to cover both these proposals.

CHILD TAX CREDIT

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, it is stunning to me that whenever Democrats stand up on behalf of working families that our colleagues on the other side of the aisle start shaking their finger and saying, oh, the tax-and-spend Democrats. It is really amazing and takes an incredible amount of nerve for the Republicans to still want to wear that jacket of fiscal responsibility and to invoke it when we start talking about working families like this.

Let us remember that the President was handed a $5 trillion surplus, surpluses as far as the eye could see. That is gone, blew that; and now we are at about a, according to the former Secretary, they are charging about a $4 trillion projected deficit, a debt, on top of that, and in a very short time we are almost $1 trillion in deficit. That means more money spent than we have brought in.

They like to talk about the war: Oh, we had to spend all that money on homeland security. And indeed, we did, but let us remember that most of that deficit is caused because we are giving tax cuts to the wealthiest.

Now the excuse is, well, this family, the Johnstons who make only $19,000, they do not deserve a tax cut, they say, because they do not pay tax. Hello, these are people who are paying a payroll tax. They pay sales tax, they pay excise taxes, like taxes on the gasoline they buy to get to their jobs, and they pay a payroll tax.

Think for a minute. What are the only taxes that have not been reduced? We are not talking about dividend taxes, most of the people who clip coupons, the taxes that they pay. We are not talking about the taxes on high incomes. We are talking about the taxes that everyday working people pay. That is what we are trying to do with the child tax credit, for families like that, so that they can take it and buy formula or baby food for this baby, so that they can provide for her. And that is what we are trying to do.

My colleagues notice this family is not smiling, but I want to show them the face of some people who are, in fact, smiling. Why are they smiling? A report by the Committee on Government Reform minority staff on the tax bill found that Treasury Secretary Snow's estimated dividend and capital tax savings is between $331,000 and $842,000. That is a 1-year tax cut. No wonder he is smiling.

Secretary Evans could see between $68,000 and $595,000 in tax savings.

Vice President CHENEY, who is not in the picture but is probably smiling at some undisclosed location, will reap $116,000 a year from the dividend capital gains provisions in the tax cut. In fact, the total tax savings for President Bush, Vice President CHENEY, and the Cabinet could be up to $3.2 million. If I were a member of the Cabinet, I would probably be smiling, too.

In my State, 674,000 children and 378,000 families are not smiling. Nearly 1 in 4 families in Illinois were left behind. Now, of course, they say if we take care of them we are just tax-and-spend. Tell me that we do not have enough money when we are giving tax breaks like that to not only the wealthiest in the private sector but these individuals who are serving us now as members of the Cabinet.

Behind closed doors in final negotiations of the tax cut bill for millionaires, the White House and Republican leaders exterminated the child tax credit provision that would have helped families like the Johnstons and others making between $10,500 and $26,625. That is the people that we are talking about, people who in their lifetime it will take years and years and years to earn what these individuals will get in 1 year in a tax cut. By eliminating that provision, Republicans were guaranteeing that millionaires like Secretary Snow and Secretary Evans get their full tax cut.

It did not take long for the American people to find out that their neighbors and their friends got the short end of the Republican tax cut stick, and that is why the United States Senate was shamed into passing a Democratic proposal to provide those low-income families with their well-deserved child tax credit that was removed in a secret deal by Vice President CHENEY.

They passed a restoration of the tax cut for those lower-income families, working families by, 94–2. But what are we hearing on this side? Majority Leader DELAY said, ''It ain't going to happen.'' Well, I want to say that I think it ought to happen, I think it will happen, and we need to make it happen.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, we have heard the word ''outrage'' used several times on the House floor, and I rise tonight to talk about the outrageous prices that American consumers pay for prescription drugs. And I have behind me a chart, and I apologize for those here on the floor and Members who may be watching on their television sets, it is a little hard to read. But I want to go through this because what it compares is what Americans pay, on average, and this varies because we have a very complicated average wholesale price situation formula they use here in the United States, but these are the average prices, and these are prices that we actually checked ourselves.

People have questioned some of the credibility of the sources that I have used. So we did our own research and we went to Munich, Germany about a month ago, and we bought 10 of the most commonly prescribed drugs in the United States. And let us run through.

Cipro, drug made by Bayer. They make the aspirin. They are a German company. In the United States, the average price for 10 tablets, 250 milligrams, $55. We bought it at the Munich airport pharmacy for $35.12, American.

Coumadin. My 85-year-old father takes Coumadin. In the United States the average price, $89.95. The price in Munich, Germany, $21.

Glucophage, a very popular drug, has done wonderful things for people who suffer from diabetes. Glucophage, $21.95 in the United States, only $5 in Germany.

Pravachol, $62.96 in Munich; $149.95 here in the United States.

The list goes on, Prozac, Synthroid, Tamoxifen, $60 in Germany; $360 in the United States.

Zocor, $41.20 in Munich; $89.95. It is the same drugs.

My father takes this Coumadin every day. It is a wonderful drug. Many Americans take Glucophage, and the Congress has spoken on this. We have statutes on the books that would allow Americans access to these drugs at world market prices, but the FDA and the Department of Health and Human Services, under first a Democratic administration and now a Republican administration, has said, oh, no, no, we cannot do that, we cannot guarantee safety.

So we are introducing a new bill and we want to deal with that issue because we want Americans to have access to safe world-class drugs.

What I am holding in my hand is a counterfeit-proof package. There are companies right now that are helping people, like our own Treasury who helped develop the technology that goes into our new counterfeit-proof $20 bill. They now have packaging which they are making for the pharmaceutical industry. For a cost of somewhere between 2 and 5 cents, they can make a blister-pack, counterfeit-proof package.

It goes beyond that. They are coming out with new technologies that are not only counterfeit-proof, but it is tamper-proof. So we can bring these drugs in and the technology will get better to make these drugs safe. For example, I am holding in my hand a little vial, and in this vial my colleagues cannot see it, I can barely see it. Inside this little vial are 150 microcomputer chips. This is the next UPC code so that we actually embed it in packaging, so that we can know where this product is made, where it came from, everything we need to know about it. It can be counterfeit-proof. It can be tamper-proof, and now it can be virtually fail-safe.

People say, well, what about safety? Every day we import thousands of tons of food, and the FDA is responsible for the food and drug safety in the United States. We import tons and tons of food. Last year, we imported 318,000 tons of plantains, and somehow we eat those plantains every day, and we do not worry about the safety.

We can import world-class drugs. I am a Republican and I think that there is nothing wrong with the word ''profit,'' but there is something very wrong with the word ''profiteer.'' I think it is right that Americans pay their fair share of the cost for research in the world, but we should not have to subsidize the starving Swiss.

We have an opportunity in the next several weeks to do something about this. The greatest tragedy in America today is that roughly 29 percent of all seniors tell us that they have had prescriptions that went unfilled because they could not afford these outrageous prices.

Shame on us. Shame on us. We should do something about that. We have the power to change this, and I think this year we finally will.

□ 1730

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISRAEL SHOULD BE COMMENDED FOR GOING AFTER TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today another suicide bombing happened in Israel. Sixteen innocent people were murdered and more than 150 were injured. The terrorist group Hamas took credit for it and the cycle of violence continues.

Mr. Speaker, homicide bombers, suicide bombers cannot be tolerated. Israel, as any other nation, must do everything it can to go after terrorists, to root out terrorism. As President Bush said, there are no good terrorists, there are only bad; and every nation has an obligation to protect its citizens and go after the terrorists.

That is why it was so disheartening to hear President Bush say Israel's attempted attack on one of the biggest Hamas terrorists, Mr. Rantisi was not helpful. I do not know whether a nation ought to think about what is helpful or not when they are trying to protect their citizens.

We in the United States went halfway around the world to destroy the Taliban in Afghanistan not because the Taliban committed crimes against us, but because the Taliban harbored al Qaeda, which committed heinous acts against us. If we are justified, and we are, in going halfway around the world to destroy terrorists, surely Israel is justified to do the same in her own backyard. After all, it was President Bush who said Osama bin Laden wanted dead or alive, and it was President Bush who talked about Saddam Hussein and his connections with terrorists. We went into Iraq and overthrew Saddam Hussein. Certainly Israel should be encouraged to go after terrorists, not discouraged to go after terrorists; and we should not set a double standard for Israel, we should set the same standard as we would set for ourselves.

Last week there was an agreement to try to proceed on a so-called road map for peace in the Middle East, and all parties agreed that the Palestinian prime minister, the Israeli prime minister and President Bush all talked about going along the path to peace. During that time the prime minister of Israel has dismantled some of the settlements, has talked about having peace with the Palestinians. And what was the response on the Palestinian side? The three terrorist organizations, Hamas, the Palestinian Islamic Jihad, which is part of Arafat's Fattah network, and Hezbollah, all got together and took credit for the assassination of five Israeli soldiers. That was the Palestinian terrorists' answer to peace. The Palestinian prime minister, Machmoud Abbas, who said he would try to persuade the terrorists to have a cease-fire was not able to persuade them at all. In fact, they rejected his calls for a cease-fire. Machmoud Abbas, the Palestinian prime minister, then said he would not use force to try to get the terrorists to stop, he would only try to persuade them.

I would say if Mr. Abbas, the Palestinian prime minister, is not going to attempt to use force to stop terrorists from committing terrorist acts, then Israel has the right to take matters into her own hands and to use force to stop terrorists from committing these heinous acts. After all, since Mr. Rantisi is one of the leaders of Hamas which kills innocent men, women, and children civilians, why should Mr. Rantisi think he is somehow immune to some kind of attacks on his life?

It is very important that Israel, the United States, and all peace-loving countries in the world go after terrorism. And when nations go after terrorism, other nations should help them, not say that it is unhelpful for peace. Let us talk about the road map which everyone seems to be so ecstatic about. The road map will only work if and when the Palestinians decide if and when they are going to put an end to terror and not use terror as a negotiating tool, and the road map should be performance-based, not time-based. In other words, the Palestinians have to perform. They have to stop terrorism before they get their state. If they do not stop terrorism, they do not get their state. They should not merrily march along to statehood in 2004 and 2005 unless they end terrorism.

Mr. Speaker, I think Israel should be commended for going after terrorists. I think all nations should do the same.

PATIENT SAFETY AND FOREIGN PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to talk about patient safety and the trade policy of this country as it relates to foreign prescription drugs.

If I correctly recall, and do not trust my memory, we can all look it up, back in March of this year this House overwhelmingly approved a bill that would improve patient safety and improve the quality of care delivered in this country. Some of my colleagues have asked us to consider a plan of imported foreign prescription drugs into this country that would run counter to the vote cast by a majority in this House not 4 months ago.

Mr. Speaker, we must approach this problem with thoughtfulness and logic. If we want to address the cost of prescription drugs in this country, we can take several approaches to lower the cost, but any options should not come at the cost of patient safety. Some in this House believe that if Americans had the ability to purchase their drugs from Canada or Mexico or Belize or Europe or Mars, that the United States market would adjust and reflect the importation of cheaper medicines. But let us be clear, foreign countries place price controls on their prescription drugs.

This means that the drugs purchased by Canadian citizens may be priced lower than that which an American citizen will pay for the same compound because of that government's artificial market intervention; but by permitting the reimportation of drugs into this country, we effectively allow the importation of foreign price controls into the United States market as well. This could be shortsighted, and it does run counter to the free market system that is established in this country. If drug reimportation becomes the established policy in this country, the United States would in essence be allowing foreign governments to set the prices for American products.

If we truly believe in the power of the free market, we should remove the market distortion of foreign price controls which ensure that America's seniors and America's uninsured pay the highest price for their medications. And what happens in countries that have adopted price controls? Companies have left those countries. High-skilled jobs are not available, and governments have lost much-needed revenue.

Because of the stranglehold of regulation in European countries, including price controls on pharmaceuticals, Europe is lagging behind in its ability to generate, organize, sustain innovative processes that are increasingly expensive and organizationally complex. The United States biotech industry in the last decade has had a meteoric rise, but we would place a chill on the industry's development if we allowed foreign drug prices to stymie its growth.

More importantly, if we inject foreign drug prices and controls into the United States, we will see less innovation in this very promising new field of science. Most importantly, underlying all of the complex trade issues is one that ultimately impacts us all, and that is patient safety. We want to ensure that the drugs that our wives, children, mothers, and fathers take are free of dangerous substances and that they work as advertised. Only our FDA in this country can ensure the safety of drugs for American citizens.

I think this House would be shirking its duty if we created a system that relied upon the action of regulatory officials of Canada, Thailand, Belize, or Barbados to ensure the safety of American patients. Allowing drug reimportation from foreign countries would only be a signal to foreign drug counterfeiters that it is open season on the health and safety of American citizens.

Mr. Speaker, I could relate stories from my medical practice where patients had what may be politely termed as therapeutic misadventures by the ingestion of drugs which were imported illegally from Mexico. The House can approach the drug cost issues through far less shortsighted solutions than permitting drug importation from foreign countries.

Make no mistake, the pharmaceutical companies in this country have an obligation to control their costs and be certain that any profits they receive are reasonable. Without this, we will continue to hear the arguments for reimportation nightly on the House floor. The purchasing power of the Federal Government should bring down the cost of safe pharmaceuticals in this country.

Mr. Speaker, we should remember the admonition of a long-ago physician to first do no harm. In this House, that would be wise counsel to heed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

(Mr. CROWLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INFORMED CITIZENRY VERSUS NEED FOR SECRECY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, a critical problem that demands constant oversight in a democracy is the tension between an informed Congress and an informed citizenry because both are necessary for a democracy. That tension is against the need for secrecy in some instances and in the interest of national security. That is what I wish to draw Members' attention to today.

From Watergate to Iran contra, to the Gulf of Tonkin Resolution, we have seen and experienced and learned from the peril of the executive branch's use of secrecy in the name of national security to accomplish unlawful deception and illegal acts.

We face this issue again now in regard to Iraq's weapons of mass destruction and the flat assertions by the President of the United States that Saddam Hussein's weapons of mass destruction pose an imminent threat to the United States. After all, it was these assertions that led many of the Members of the legislature, both in the House of Representatives and in the other body, to support the war, and so did many Americans.

So it is a significant question whether the President's assurance was warranted by the evidence, whether he had something to back up these repeated assertions that the weapons of mass destruction held by the former ruler of Iraq were indeed an imminent threat to the United States.

So where are these weapons of mass destruction? One day the President assured us that they will be found. The next day we are told that he only meant to claim that Iraq had programs to develop weapons of mass destruction, and that program was under way. But then the day after that his spokesman said never mind, even if Saddam had no weapons imminently threatening us, he was a bad and evil person who deserved to be destroyed.

Now, these contradictions have begun to be noted by more and more people, and I want to report that some in the public are changing their view about this war and what brought us into it as American casualties mount in Iraq, as violence and civilian strife grow worse there, and disease and hunger spread in the aftermath of war.

Now, whatever the ultimate final assessment is that will be made about Iraq, the fundamental problem that I bring to Members' attention this evening is if the President deceives the Congress and the public on an issue as sensitive as war or peace, it raises the greatest constitutional issues about whether he is abusing his office, whether he is violating his oath, and whether he is misleading the American people.

□ 1745

It is particularly critical because this President's doctrine of preventive war, never before employed by any of the preceding Presidents of this great country, suggests that he may or will be trying to persuade America to support other preventive wars in the future. Will that campaign be based on misrepresentation?

MISSING WEAPONS OF MASS DESTRUCTION: IS LYING ABOUT THE REASON FOR WAR AN IMPEACHABLE OFFENSE?

(By John W. Dean)

President George W. Bush has got a very serious problem. Before asking Congress for a Joint Resolution authorizing the use of American military forces in Iraq, he made a

number of unequivocal statements about the reason the United States needed to pursue the most radical actions any nation can undertake—acts of war against another nation.

Now it is clear that many of his statements appear to be false. In the past, Bush's White House has been very good at sweeping ugly issues like this under the carpet, and out of sight. But it is not clear that they will be able to make the question of what happened to Saddam Hussein's weapons of mass destruction (WMDs) go away—unless, perhaps, they start another war.

That seems unlikely. Until the questions surrounding the Iraq war are answered, Congress and the public may strongly resist more of President Bush's warmaking.

Presidential statements, particularly on matters of national security, are held to an expectation of the highest standard of truthfulness. A president cannot stretch, twist or distort facts and get away with it. President Lyndon Johnson's distortions of the truth about Vietnam forced him to stand down from reelection. President Richard Nixon's false statements about Watergate forced his resignation.

Frankly, I hope the WMDs are found, for it will end the matter. Clearly, the story of the missing WMDs is far from over. And it is too early, of course, to draw conclusions. But is not too early to explore the relevant issues.

PRESIDENT BUSH'S STATEMENTS ON IRAQ'S WEAPONS OF MASS DESTRUCTION

Readers may not recall exactly what President Bush said about weapons of mass destruction; I certainly didn't. Thus, I have compiled these statements below. In reviewing them, I saw that he had, indeed, been as explicit and declarative as I had recalled.

Bush's statements, in chronological order, were:

''Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons.''—Untied Nations Address, September 12, 2002.

''Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons.

''We have sources that tell us that Saddam Hussein recently authorized Iraqi field commanders to use chemical weapons—the very weapons the dictator tells us he does not have.''—Radio Address, October 5, 2002.

''The Iraqi regime . . . possesses and produces chemical and biological weapons. It is seeking nuclear weapons.

''We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin never gas, VX nerve gas.

''We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas. We're concerned that Iraq is exploring ways of using these UAVS for missions targeting the United States.

''The evidence indicates that Iraq is reconstituting its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his ''nuclear mejahideen''—his nuclear holy warriors. Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past. Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.''—Cincinnati, Ohio Speech, October 7, 2002.

''Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tons of sarin, mustard and VX nerve agent.''—State of the Union Address, January 28, 2003.

''Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.''—Address to the Nation, March 17, 2003.

SHOULD THE PRESIDENT GET THE BENEFIT OF THE DOUBT?

When these statements were made, Bush's let-me-mince-no-words posture was convincing to many Americans. Yet much of the rest of the world, and many other Americans, doubted them.

As Bush's veracity was being debated at the united Nations, it was also being debated on campuses—including those where I happened to be lecturing at the time.

On several occasions, students asked me the following question: Should they believe the President of the United States? My answer was that they should give the President the benefit of the doubt, for several reason deriving from the usual procedures that have operated in every modern White House and that, I assumed, had to be operating in the Bush White House, too.

First, I assured the students that these statements had all been carefully considered and crafted. Presidential statements are the result of a process, not a moment's thought. White Hose speechwriters process raw information, and their statements are passed on to senior aides who have both substantive knowledge and political insights. And this all occurs before the statement ever reaches the President for his own review and possible revision.

Second, I explained that—at least in every White House and administration with which I was familiar, from Truman to Clinton—statements with national security implications were the most carefully considered of all. The White House is aware that, in making these statements, the President is speaking not only to the nation, but also to the world.

Third, I pointed out to the students, these statements are typically corrected rapidly if they are later found to be false. And in this case, far from backpedaling from the President's more extreme claims, Bush's press secretary, Ari Fleischer had actually, at times, been even more emphatic than the President had. For example, on January 9, 2003, Fleischer stated, during his press briefing, ''We know for a fact that there are weapons there.''

In addition, others in the Administration were similarly quick to back the President up, in some cases with even more unequivocal statements. Secretary of Defense Donald Rumsfeld repeatedly claimed that Saddam had WMDs—and even went so far as to claim he knew ''where they are; they're in the area around Tikrit and Baghdad.''

Finally, I explained to the students that the political risk was so great that, to me, it was inconceivable that Bush would make these statements if he didn't have damn solid intelligence to back him up. Presidents do not stick their necks out only to have them chopped off by political opponents on an issue as important as this, and if there was any doubt, I suggested, Bush's political advisers would be telling him to hedge. Rather than stating a matter as fact, he would say: ''I have been advised,'' or ''Our intelligence reports strongly suggest,'' or some such similar hedge. But Bush had not done so.

So what are we now to conclude if Bush's statements are found, indeed, to be as grossly inaccurate as they currently appear to have been?

After all, no weapons of mass destruction have been found, and given Bush's statements, they should not have been very hard to find—for they existed in large quantities, ''thousands of tons'' of chemical weapons alone. Moreover, according to the statements, telltale facilities, groups of scientists who could testify, and production equipment also existed.

So there is all that? And how can we reconcile the White House's unequivocal statements with the fact that they may not exist?

There are two main possibilities. One that something is seriously wrong within the Bush White House's national security operations. That seems difficult to believe. The other is that the President has deliberately misled the nation, and the world.

A DESPERATE SEARCH FOR WMDS HAS SO FAR YIELDED LITTLE, IF ANY, FRUIT

Even before formally declaring war against Saddam Hussein's Iraq, the President had dispatched American military special forces into Iraq to search for weapons of mass destruction, which he knew would provide the primary justification for Operation Freedom. None were found.

Throughout Operation Freedom's penetration of Iraq and drive toward Baghdad, the search for WMDs continued. None were found.

As the coalition forces gained control of Iraqi cities and countryside, special search teams were dispatched to look for WMDs. None were found

During the past two and a half months, according to reliable news reports, military patrols have visited over 300 suspected WMD sites throughout Iraq. None of the prohibited weapons were found there.

BRITISH AND AMERICAN PRESS REACTION TO THE MISSING WMDS

British Prime Minister Tony Blair is also under serious attack in England, which he dragged into the war unwillingly, based on the missing WMDs. In Britain, the missing WMDs are being treated as scandalous; so far, the reaction in the U.S. has been milder.

New York Times columnist Paul Krugman has taken Bush sharply to task, asserting that it is ''long past time for this administration to be held accountable.'' ''The public was told that Saddam posed an imminent threat,'' Krugman argued. ''If that claim was fraudulent,'' he continued, ''the selling of the war is arguably the worst scandal in American political history—worse than Watergate, worse than Iran-Contra.'' But most media outlets have reserved judgment as the search for WMDs in Iraq continues.

Still, signs do not look good. Last week, the Pentagon announced it was shifting its search from looking for WMD sites, to looking for people who can provide leads as to where the missing WMDs might be.

Under Secretary of State for Arms Control and International Security John Bolton, while offering no new evidence, assured Congress that WMDs will indeed be found. And he advised that a new unit called the Iraq Survey Group, composed of some 1,400 experts and technicians from around the world, is being deployed to assist in the searching.

But, as Time magazine reported, the leads are running out. According to Time, the Marine general in charge explained that ''[w]e've been to virtually every ammunition supply point between the Kuwaiti border and Baghdad,'' and remarked flatly, ''They're simply not there.''

Perhaps most troubling, the President has failed to provide any explanation of how he could have made his very specific statements, yet now be unable to back them up with supporting evidence. Was there an Iraqi informant thought to be reliable, who turned out not to be? Were satellite photos innocently, if negligently, misinterpreted? Or was his evidence not as solid as he led the world to believe?

The absence of any explanation for the gap between the statements and reality only increases the sense that the President's

misstatements may actually have been intentional lies.

INVESTIGATING THE IRAQI WAR INTELLIGENCE REPORTS

Even now, while the jury is still out as to whether intentional misconduct occurred, the President has a serious credibility problem. Newsweek magazine posed the key questions: ''If America has entered a new age of pre-emption—when it must strike first because it cannot afford to find out later if terrorists possess nuclear or biological weapons—exact intelligence is critical. How will the United States take out a mad despot or a nuclear bomb hidden in a cave if the CIA can't say for sure where they are? And how will Bush be able to maintain support at home and abroad?''

In an apparent attempt to bolster the President's credibility, and his own, Secretary Rumsfeld himself has now called for a Defense Department investigation into what went wrong with the pre-war intelligence. New York Times columnist Maureen Dowd finds this effort about on par with O.J.'s looking for his wife's killer. But there may be a difference: Unless the members of the Administration can find someone else to blame—informants, surveillance technology, lower-level personnel, you name it—they may not escape fault themselves.

Congressional committees are also looking into the pre-war intelligence collection and evaluation. Senator John Warner (R–VA), chairman of the Senate Armed Services Committee, said his committee and the Senate Intelligence Committee would jointly investigate the situation. And the House Permanent Select Committee on Intelligence plans an investigation.

These investigations are certainly appropriate, for there is potent evidence of either a colossal intelligence failure or misconduct—and either would be a serious problem. When the best case scenario seems to be mere incompetence, investigations certainly need to be made.

Senator Bob Graham—a former chairman of the Senate Intelligence Committee—told CNN's Aaron Brown, that while he still hopes they find WMDs or at least evidence thereof, he has also contemplated three other possible alternative scenarios: ''One is that [the WMDs] were spirited out of Iraq, which maybe is the worst of all possibilities, because now the very thing that we were trying to avoid, proliferation of weapons of mass destruction, could be in the hands of dozens of groups. Second, that we had bad intelligence. Or third, that the intelligence was satisfactory but that it was manipulated, so as just to present to the American people and to the world those things that made the case for the necessity of war against Iraq.''

Senator Graham seems to believe there is a serious chance that it is the final scenario that reflects reality. Indeed, Graham told CNN ''there's been a pattern of manipulation by this administration.''

Graham has good reason to complain. According to the New York Times, he was one of the few members of the Senate who saw the national intelligence estimate that was the basis for Bush's decisions. After reviewing it, Senator Graham requested that the Bush Administration declassify the information before the Senate voted on the Administration's resolution requesting use of the military in Iraq.

But rather than do so, CIA Director Tenet merely sent Graham a letter discussing the findings. Graham then complained that Tenet's letter only addressed ''findings that supported the administration's position on Iraq,'' and ignored information that raised questions about intelligence. In short, Graham suggested that the Administration, by cherrypicking only evidence to its own liking, had manipulated the information to support its conclusion.

Recent statements by one of the high-level officials privy to the decisionmaking process that lead to the Iraqi war also strongly suggests manipulation, if not misuse of the intelligence agencies. Deputy Secretary of Defense Paul Wolfowitz, during an interview with Sam Tannenhaus of Vanity Fair magazine, said: ''The truth is that for reasons that have a lot to do with the U.S. government bureaucracy we settled on the one issue that everyone could agree on which was weapons of mass destruction as the core reason.'' More recently, Wolfowitz added what most have believed all along, that the reason we went after Iraq is that ''[t]he country swims on a sea of oil.''

WORSE THAN WATERGATE? A POTENTIAL HUGE SCANDAL IF WMDS ARE STILL MISSING

Krugman is right to suggest a possible comparison to Watergate. In the three decades since Watergate, this is the first potential scandal I have seen that could make Watergate pale by comparison. If the Bush Administration intentionally manipulated or misrepresented intelligence to get Congress to authorize, and the public to support, military action to take control of Iraq, then that would be a monstrous misdeed.

As I remarked in an earlier column, this Administration may be due for a scandal. While Bush narrowly escaped being dragged into Enron, it was not, in any event, his doing. But the war in Iraq is all Bush's doing, and it is appropriate that he be held accountable.

To put it bluntly, if Bush has taken Congress and the nation into war based on bogus information, he is cooked. Manipulation or deliberate misuse of national security intelligence data, if proven, could be ''a high crime'' under the Constitution's impeachment clause. It would also be a violation of federal criminal law, including the broad federal anti-conspiracy statute, which renders it a felony ''to defraud the United States, or any agency thereof in any manner or for any purpose.''

It's important to recall that when Richard Nixon resigned, he was about to be impeached by the House of Representatives for misusing the CIA and FBI. After Watergate, all presidents are on notice that manipulating or misusing any agency of the executive branch improperly is a serious abuse of presidential power.

Nixon claimed that his misuses of the federal agencies for his political purposes were in the interest of national security. The same kind of thinking might lead a President to manipulate and misuse national security agencies or their intelligence to create a phony reason to lead the national into a politically desirable war. Let us hope that is not the case.

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONTROVERSY INVOLVING TEXAS LEGISLATURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I find it a little astounding that I come here to ask the question of what is happening to our government. Why are our fellow citizens withholding information from us, even from Members of Congress? Why are some of the agencies that are designed to help us seemingly working against us? It is all our government.

I am a little bit astounded at having to come here and again tell the story about what happened when the Texas legislature ran amuck, when members of that legislative body began to respond to actions there that have been reflective of what the United States House of Representatives has been, very divisive, very unfortunate, where people get to the point where they feel like they are not allowed to be a part of the process and they have to rebel against the system by looking for parliamentary procedure to try to send their point or make their point or get their message out. Fifty-five brave men and women allowed their backs to be pushed up against the wall for months and finally could take it no more and broke the quorum of the Texas legislature to stop that from happening there. And then, lo and behold, what happened following it started all sorts of things to happen that include Federal agencies becoming involved in investigations to look for missing Texas legislators.

The people of this country ought to be outraged that Federal agencies designed to protect us, designed to do good for us, were called into a political fray in the State of Texas, and since that time Members of Congress have asked repeatedly of the Department of Homeland Security, the Justice Department, and the transportation agency for information that would give us a better understanding of who played what role in this Federal Government being involved in an issue that was a political one in the State of Texas and finding funds that we know are already very short for us. We do not know how we are going to be paying for all of the many, many needs that our homeland security faces. We are very short-funded as it is.

Yet we could find the money, the time, the effort, the personnel, the equipment to track an airplane across the country of a member, a little cotton farmer out in west Texas who was going off to Ardmore, Oklahoma, and stopped off to see his mother. If he had not done that, they would have probably found him. To have agencies respond in the way that they have, there is something wrong with this picture. The people of this country truly ought to be outraged.

It has been over 3 weeks now since we began to ask formally of these agencies, give us the information that you have, show us surveillance tapes, give us tapes of phone messages. Even the Director of Homeland Security indicated that it was a potential criminal investigation that is going on and that was the excuse for not turning over some of this information at the time.

Ladies and gentlemen, it is time for us as a body, as a Congress, to stop this

kind of action in the United States of America, whether it happens to Texas or Louisiana or Michigan or any other State in this Nation, and we truly ought to be outraged and stand up and say we are not going to stand for that secrecy anymore. Let the agencies that exist as a part of our government give us the information that we need to know that our government is working in our behalf and not working against us; that we are not having some kind of a political soiree in this country that is going to allow power to be held by a few at the expense of so very, very many.

We even had destroyed documents over time. What is there to hide? If there is nothing on the tapes that is incriminating to anyone, then make it public and let us see them. If there is something there, as certainly the indication is starting to be—why else is there a cover-up—then perhaps there may be criminal activity. Something is wrong with this picture and something is going wrong with our government. It is time for us to begin to ask the questions and demand the answers from all of the agencies that can tell the citizens of this country that we are not going to be living in a police state, that we are going to be able to all participate in making the policy of this Nation and the policy of our States, and that we are not going to have to fight our way through the darkness of night in order to play the role that we so rightly deserve.

TEXAS LEGISLATIVE CONTROVERSY AND POSSIBLE FEDERAL INVOLVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

Mr. SANDLIN. Mr. Speaker, we are calling today on Secretary Ridge to uncover the cover-up. What have you got to hide?

On May 11, 2003, Mr. Speaker, a number of Democratic members of the Texas House of Representatives absented themselves from the floor of the State House in Austin, Texas, in a proper procedural move to defeat a quorum in that body. Subsequently, on that same date, the Speaker of the Texas House of Representatives, Tom Craddick, ordered the Texas Department of Public Safety, the troopers, to locate the absent legislators and return them to the capitol. The DPS thereupon took steps to locate the lawmakers and contacted the U.S. Department of Homeland Security, charged with defeating terrorism, and asked for Federal assistance. They have now had to admit and acknowledge that they contacted the Air and Marine Interdiction Coordination Center, a department within DHS, seeking information; and they acknowledge they used Federal resources to respond to this request in spite of the fact that it is a State political matter. In fact, in violation of the law, a criminal tracking system was used. The Department of Homeland Security has now admitted that the department has in its possession certain audiotapes, transcripts, and other documents concerning its contacts with Texas DPS officials. In spite of this admission, the department has failed and refused and still fails and refuses to release this information.

Disturbingly, Mr. Speaker, now the Secretary of Homeland Defense has admitted that there is an ongoing criminal investigation into this matter. But it only gets worse. Now we learn the FBI has been involved. Initially the FBI denied involvement. Now they have admitted otherwise. On May 13, the Houston Chronicle reported, ''Spokesmen for the Justice Department and the FBI indicated those agencies likely would have no reason to assist the State officers in apprehending the Democrats.'' On that same date, ''A Justice spokesman said Tuesday he knew of no role for the department.'' Later on that date, ''FBI spokesman Bill Carter said he was unaware of any request for that agency to assist. 'I don't know of any authority that would allow us to even contemplate getting involved.'''

But, Mr. Speaker, the story begins to change. A couple of days later, on June 5, the FBI denied participation but they did not know what was about to come out, because State Representative Juan Manuel Escobar reported he got a cellular phone call from Corpus Christi-based FBI Special Agent David Troutman asking whether State Representative Gabi Canales was with him.

''The FBI was conducting no surveillance at all,'' said Special Agent Bob Doguim. But listen. He said, ''I'm not saying no call took place.'' Later they said, ''An FBI spokesman said agency action was nothing really uncommon.'' Dallas Morning News, June 6.

Yesterday, Mr. Speaker, we learned that phone records for Deputy Attorney General Jay Kimbrough show a 5 minute 16 second phone call at 4:24 p.m. May 12 to an Ardmore, Oklahoma, FBI office. That is after State officials learned that the Federal Aviation Administration had tracked the plane of one of the missing lawmakers. A half hour later the records show a return phone call, 2 minutes 16 seconds, from the FBI office to Mr. Kimbrough. Mr. Kimbrough is head of Homeland Security in Texas. After the FBI saying they had nothing to do with it, now we have got the phone records. Now we are getting to the truth.

Additionally, at the State level, on May 14, the Texas DPS ordered the destruction of all notes, photos, correspondence and other records relating to the members of the House of Representatives and the order specifically contained the words ''retain no copies.''

In brief, it is our position that any effort to use Federal law enforcement or Homeland Security resources to participate in a State political matter is improper and illegal. Further, the destruction of records by DPS, which limits the ability to determine the extent of Federal involvement, coupled with the refusal by the Department of Homeland Security and Tom Ridge to produce its records, are matters of great concern.

Mr. Ridge, stop the cover-up. Release the information. We want full and complete audiotapes of all conversation, full and complete copies of all communications, tapes, videotapes, recordings, letters, notes, documents, schedules, summaries, indices, written records of every sort, full and complete copies of all communications, full and complete original files, full and complete records of telephone calls and contacts, full and complete records of any and all persons, Federal officials, State officials, law enforcement personnel, agencies or entities that have contacted or been contacted by Homeland Security.

Mr. Ridge should be advised further that the U.S. Congress may request the production of additional information as a result of his testimony. We will expect him to acknowledge under oath that no records have been altered, deleted, destroyed, redacted or otherwise withheld in whole or in part. It is critical that we request a subpoena and a subpoena duces tecum be issued forthwith and this information be brought before the United States Congress.

The Department of Public Safety destroyed records. Homeland Security has admitted to possessing and withholding audiotapes and other information. They have now admitted that a criminal investigation is ongoing. The FBI claimed to be not involved in any way. Now we learn of telephone calls to and from the FBI.

Mr. Speaker, is this just what we might call another third-rate burglary? Mr. Ridge, stop the cover-up. Release the information. Come clean with the United States Congress and the American public.

ANOTHER TERRORIST ATTACK IN JERUSALEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, the news from Jerusalem today is horrifying. Another terrorist attack on a civilian bus. So many dead. Many more are injured and even more are bereaved. Today's atrocity follows and may have been in response to an attack yesterday on a Hamas leader in Gaza which injured its target but killed innocent victims. When will this cycle of violence end? Not even a week has passed since the President received the commitment of Ariel Sharon and Abu Mazen to do everything in their power to stop the killing and pursue the path of negotiations. Instead, we have terrorist attacks, attempted assassinations, horrific retaliations and more

bloody reprisals. Last week's optimism has yielded to this week's despair.

I urge President Bush to make it clear to both sides that the United States will continue to insist on the terms agreed to at the Aqaba summit, an end to the violence, the dismantling of the illegal outposts and the resumption of security cooperation. Clearly, Abu Mazen must do much more to stop terrorism. But it is obvious that he cannot stop the murderous Palestinian extremists without help from Israel. And Israel will never succeed in vanquishing terrorism through military force and continued occupation. A political solution is the only answer.

The road map to peace has hit a tremendous obstacle. But we have no choice but to persevere. If this initiative is destroyed, Israelis and Palestinians may be doomed to a life of violence and suffering forever. Such a fate is not what these two peoples deserve, and it is surely not what America can afford.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1800

RUBBER-STAMPING TAX LEGISLATION

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, tomorrow we are going to have another session of the rubber stamp Congress. There is an old song by Tennessee Ernie Ford that goes, ''You load 16 tons, and what do you get? Another day older and deeper in debt.''

This Congress at a Committee on Rules meeting tonight, the Committee on Ways and Means chairman did not even show up. The bill was all greased. We are going to pass $80 billion more of debt out of here tomorrow.

Now, the Democrats offered a bill that would have cost $3.5 billion to take care of those people earning between $10,500 and $26,500.

When the Republicans got this bill, they said, Oh, boy: Let's go, and so they have crammed everything in it that President Bush wants. They are going to come down here, and we will have about an hour's debate, half an hour on the Democratic side, half an hour on the Republican side; and they will stamp that baby and out she goes. That is how this Congress is operating. Not one single hearing will have occurred on this bill, not one single hearing. $80 billion in a half-hour.

Think about it. That is why my colleague, the gentleman from Mississippi (Mr. TAYLOR), came out here, to show the almost—$1 trillion in debt that has been accumulated over the last 2 years under this administration. Well, tomorrow we are going to add another layer of frosting on the cake, and everybody will come with their stamp in their hand and do it.

Now, we also had a discussion here with one of the gentlemen from Georgia who said next week we are going to deal with the issue of Medicare. There has been no bill put in the Congress for the single largest program in the Congress that the government runs, and that is the Medicare program. The Committee on Ways and Means that I sit on has had not a single hearing on the proposal that is being brought in here. It is being greased somewhere to take up to the Committee on Rules and run down here on the floor, and, in a couple of hours, everybody will bring their stamp out and go, Boom, I approve of everything George Bush does.

That is what this Congress is about, approving whatever George Bush does. Nothing else. There is no thinking going on in here. They just wait for their orders from the White House, go up to the Committee on Rules, slap the bill together, bring it to the floor, and stamp it ''approved.''

Now, that is no way for the United States Congress to operate. We were made in the first section of the Constitution because the founders of this country believed that the Congress was where the basis of our government should derive, that there should be discussion among the 535 Members of both bodies as to what is going to happen in this country.

But this time we are in a one-party government. It is a parliament with a fixed-end, and this party is President Bush, the Senate and the House; and they run them down here and run them through and stamp them, and that is the end of it.

Now, there is a serious problem in that kind of government, because it makes it very partisan. I was told that the Medicare bill is written, but that you have to ask the chairman to go up to a room and sit there and read it in the room. You cannot take it out; you cannot take it to your office. I am a Member of Congress. I was elected by 690,000 people, and so was every other Member. But I am not allowed to read the bill until the day they drop it up here in the committee and ram it through the House in 24 hours.

People I go home to, they say, What is in the bill, Jim? What does this do, what does that do?

I do not know. And it is not because I will not read or I am not smart or I will not work or I will not do what has to be done, but this is the way this place is being run. People are not being given a chance to discuss this.

We have got an even bigger issue, and that is the whole issue of how we got into war. Everywhere in Great Britain right now the belief is that Tony Blair is toast. The liberals are calling for an inquiry. And this House will not do it, because the Republicans have rubber-stamped what we did, ''I approve of Mr. Bush.''

SHORTCHANGING VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I am a new Member of this body, I was just sworn in in January, and as a new Member there is a certain awe to this Chamber, a certain awe to the legislative process and the idea of priorities. You come into this body with the notion of certain priorities that are not Democratic, they are not Republican but they are priorities of the American people.

Unfortunately, it did not take very long for me to recognize that we all do not share the same priorities. We can talk about tax cuts, and we can talk about deficits, and we can talk about our debt; but you just do not have tax cuts without some reaction somewhere down the line in the budget, and I wanted to speak tonight to share with the American people and share with my colleagues my own personal experience that I had over the last few weeks, really since Memorial Day, back in my district, which is northeastern Ohio, Youngstown and Akron, Ohio, and everywhere in between, the cities of Niles and Warren, where there is a strong concentration of veterans.

The reason I rise tonight is to share for the record the feelings, the emotions of the people back in my district. Let me just say, quite frankly, that they are tired of the public relations gimmicks, they are tired of the press conferences, they are tired of the salutations to the veterans. Meanwhile, back at the ranch, their budgets are being cut for the veterans, we are not able to service all the veterans that are beginning to move into the VA system, and we are spending our tax money, and borrowing more money, to give back, when we are cutting short what the veterans deserve.

About 3 months ago or so we passed a resolution out of this body saying that we have unequivocal support and appreciation for our troops. Unequivocal. But for the veterans, we are going to cut your budget.

We just had a Committee on Veterans Affairs meeting. I have been fortunate to serve on the Committee on Veterans Affairs. Here are the President's recommendations to save money at the VA: first, annual fees for some Category 7 veterans; annual fees for all Category 8 veterans; the co-pay went from just a couple of dollars to $7 for prescription drugs, and now it is going to go, I believe the proposal is, from $7 to $15.

Mr. Speaker, I think in this country we are beginning to recognize that the leadership down here is not addressing the problems of our veterans. We are not taking care of those people who we sent to hell, where they lost limbs, had their health damaged for the rest of their lives. And now one proposal is to say if your disability is service-related under 30 percent, that we are no longer going to cover you.

Where are the priorities in this Chamber, where are the priorities in this country, when we stop respecting our veterans? That is the question that we have, that is the question that the American people want answered, and that is what the veterans in the 17th Congressional District want answered. When did we stop respecting our soldiers?

We pass resolutions, we thank, we do press conferences, we turn the PR machines on; but meanwhile, we have veterans that we have not taken care of. The ones I can speak of in northeast Ohio are extremely upset. We talk about tax cuts; but as Tom Friedman talked about today in The New York Times, the reality is, it is service cuts, and, unfortunately, in America we have shown that the priorities are not the veterans.

I had an old law school professor that said follow the money and you will follow the priorities. The money is being cut from the veterans, and that shows us that the priorities here in this body and in this country are not for the veterans, but they are for those people who are going to be getting the big tax cuts. It is not a Democrat or Republican thing, and we are all for tax cuts, we all want to give money back, but not at the expense of the veterans who have fought to give us the freedoms that we enjoy today.

BEING FAIR TO VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MILLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MILLER of Florida. Mr. Speaker, I was hoping that my colleague would remain in the Chamber for the next hour while we talk a little bit about exactly what the Committee on Veterans Affairs has done and the discussion of the cuts that are being made to the veterans budget. We will get into that a little bit later. But tonight I want to talk about something called SBP, and we will discuss it in great length. But I want to introduce you to somebody first. Her name is Dottie Welch.

Dottie's story goes something like this: When Lt. Colonel Roger Welch of the United States Army retired and signed up for the military survivor benefit plan, better known now as SBP, years ago, he was told that in the event of his death, SBP would pay his wife, Dottie, 55 percent of his retirement pay for the rest of her life.

When he signed an irrevocable agreement to pay annually-increasing SBP premiums for the rest of his life, he did not know that his wife's future SBP benefit actually would be one-third less than what they were led to believe.

When Roger died in June of 2002, Dottie was dismayed to learn that there would be an offset, an offset based on her husband's Social Security-covered military earnings, that would reduce her benefits. With Social Security survivor benefits and the reduced SBP annuity, her total income is $384 a month less than she and Roger thought she would have to live on.

Dottie thinks the Social Security offset is just plain wrong. No one will tell her why it is there and why it is so large. Her husband, Roger, only had 5 years of military service covered by Social Security.

Dottie Welch's case highlights one significant inequity of the military SBP and the reason why so many retirees and survivors are upset about its current situation.

Unfortunately, this is only the first of several ways that Uniform Service Survivor Benefits relative to premiums being paid fall far short of what retirees and survivors were promised and what is afforded survivors of other Federal retirees.

There are three major SBP inequities. But before I go into those inequities tonight, I would like to pause for a moment and recognize my good friend from South Carolina (Mr. WILSON), who has been a stalwart supporter of the veterans of this country.

I yield to the gentleman.

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor to be here tonight to join my friend, the gentleman from Florida (Mr. MILLER), who has authored H.R. 548, the Military Survivors Benefit Improvement Act of 2003. The gentleman is a champion of veterans and veterans' spouses because his Pensacola community has some of the highest concentrations of veterans in America. I am particularly happy to see his efforts, because I am a veteran myself.

Under the current plan, thousands of retirees and spouses who enrolled in the original survivors benefit plan have come to receive approximately 23 percent less coverage than they had initially anticipated. Since its inception, the government's cost share has steadily dwindled from 40 percent to 17 percent. It is our intention to revise the plan in order to reinstate the original coverage offered by the 1972 version of the survivor benefits plan.

□ 1815

I believe there is no better way to convey the importance of this legislative revision than to examine the hardships felt by a South Carolina family who put their trust and their money in the original version of the 1972 survivors benefit plan.

Donna Fleming of Mt. Pleasant in Charleston County, South Carolina, became a widow in 1998. Her husband had served in the United States Army and upon retirement had sought the benefits of SBP. Like many Americans enrolled in the plan, the couple was unaware of the age 62 offset benefit reduction provision, and were subsequently confronted with the news of the offset years later.

Donna's husband has since passed, and she has managed to meet her daily expenses through SBP, occasionally dipping into her savings for major bills. However, Donna will soon be 62, and still has not received notification as to the exact amount of the offset. She expects that it may be more than $6,000 a year, $500 a month. She then will be forced to draw from her savings more and more.

Mr. Speaker, this is not the intent of the original legislation. It is every family's fear that their loved ones may face financial hardship following their death, and in Donna's case, that fear has become reality. In her words, ''This country owes military families, for which they have dedicated their entire lives.''

Please join us in supporting H.R. 548, the Military Survivors Benefit Improvement Act of 2003. Join us in restoring justice for those enrolled in this plan for our Nation's military personnel, their devoted spouses, and their loving families.

Mr. MILLER of Florida. Mr. Speaker, I thank my good friend, the gentleman from South Carolina (Mr. WILSON), for his comments and his support of veterans' issues. I also wish to add my congratulations and best wishes to him as he very soon becomes one of those retirees after serving many years in the Army Guard in his home State.

Mr. Speaker, there are three major SBP inequities. One is that thousands of people who bought SBP coverage were not briefed that most survivors' SBP annuities would be reduced substantially after age 62; two, the 40 percent government subsidy envisioned by Congress and touted by the services to encourage retirees' participation has plunged to 17 percent; three, the government provides Federal civilian survivors a substantially higher share of retired pay for life with no benefit reduction at any age.

The impact of these inequities is, as Members can imagine, devastating to many survivors, because SBP is not exactly a king's ransom at 55 percent of retired pay. At 35 percent, SBP provides only a poverty level or lower annuity for most survivors, even those of relatively senior officers.

So I am here tonight to provide more specifics on how the military SBP program is not providing, is not providing the level of protection military survivors need and deserve and were expecting; and why my bill, H.R. 548, the Military Survivors Benefit Improvement Act of 2003, is what is needed now to fix the current problem.

The first issue that we need to discuss tonight is something that I call the benefit reduction shock. It is incredulous to many that such an important feature of SBP, the reduced age 62 annuity that applies to the vast majority of military survivors, was never explained to retirees being asked to sign up for the program in the seventies and in the early eighties, but it is true.

I have in my hand a copy of the actual SBP Election Form 5002 signed by a retired member in 1982 in two different places. It specifies that SBP will

pay the survivor 55 percent of the member's retired pay. Nowhere, even in the fine print, does it mention any lower figure. We can only speculate about how or why this key fact was omitted, but it hardly matters now to those who were misled by the forms and by the briefings.

Certainly, the offset was extremely complicated for retirement counselors to explain, and it was almost impossible to tell any particular retiree at that point what SBP amount his or her survivor would actually receive after attaining the age of 62.

For members who attained retirement eligibility before 1985, the offset represented the amount of the survivors' Social Security benefit that was attributable to the Member's Social Security-covered military earnings, because the military only came under the Social Security system in 1957, and that amount varied widely for different retirees, and the rules for the calculation of Social Security benefits due to military versus civilian employment are arcane at best.

When they first learned of the age 62 benefit reduction, years, sometimes decades, after they purchased SBP, many older retirees and survivors expressed outrage in the mistaken belief that Congress had changed the law on them after the fact.

Not so. The age 62 reduction was part of the initial SBP law enacted in 1972, but this critical piece of information did not find its way into most military retirement briefings and SBP election forms until many years later after complaints, years after complaints started to roll in.

Large numbers of retirees and survivors feel betrayed by what they perceive as a bait-and-switch under which they were asked to sign irrevocable contracts to pay lifetime SBP premiums without being told what the annuity level they were actually buying was.

Dottie Welch is far from the only spouse who is very much aware of the impact of the Social Security offset. One survivor's husband was a Navy hard-hat diver during World War II, then an electronics technician on a nuclear submarine until his retirement in 1966. When he died in May of 2002, his widow had no idea she would be hit by the offset. ''I was shocked. I almost fell out of the chair, and wondered why God hadn't taken me too,'' she says today.

In the grief that followed her husband's death, this 78-year-old widow also faced numerous family bills and health problems. When her SBP annuity started, she was stunned to find out that it was one-third, one-third less than what she had expected. Now faced with $21,000 in bills, she was advised to declare bankruptcy, and feared she would lose her home trying to pay her debts. Her financial struggles eventually led her to the Navy-Marine Corps Relief Society for a grant to help her get back on her feet financially.

Not one member of our greatest American generation should find themselves under this kind of stress while getting over the death of their spouse and trying to do something with the large bills that were facing them.

In an attempt to reduce this kind of confusion, in 1985 Congress established a two-tier system, not linked to Social Security, that actually provides an SBP survivor 55 percent of retired pay until age 62, and 35 percent after that age. But making the age 62 reduction clear for the post-1985 retirees did not make it any fairer, and it did not change the fact that thousands upon thousands of earlier participants had not been told of the age 62 annuity reduction.

Also in 1985, Congress shocked the survivor community by repealing the 1984 legislation that would have barred any SBP Social Security offset for survivors who earned their Social Security benefits from their own work history rather than the military retiree's, as assumed under the original offset law. This only further highlighted the unfairness of the offset to thousands of widows who had pursued their own military or civilian careers.

Now, the second issue, another broken promise. When SBP was enacted in 1972, Congress set the premium formula in law with the intent that retirees' monthly premium payments would cover 60 percent, 60 percent of the long-term costs of the survivor benefits, with the government paying the remaining 40 percent. The formula was based on the program cost assumptions prepared by the Department of Defense actuaries concerning future inflation rates, pay raises, longevity of retirees, and survivors' longevity, et cetera.

But actual experience in later years proved the actuaries' original estimates had been far too conservative, as inflation was lower than predicted and retirees lived and paid premiums longer than anticipated. Because retiree premiums were locked into law and covered a greater portion of the program costs than had been projected, the government reaped an economic windfall, and found its share of the cost for the SBP program was much lower than anticipated. By 1988, retiree premiums covered 77 percent of the SBP costs, and DOD's share had dropped to 23 percent.

To its credit, Congress acted in 1990 to restore the intended 60/40 balance by reducing retiree premiums to 6.5 percent of retired pay, but the over-conservative actuarial assumptions have continued to work against, work against retirees for the last decade, with the result that the Federal subsidy for SBP has continued to decline. As of 2003, the government's share has dropped from 40 percent to 17 percent, leaving retirees once more paying a higher-than-intended share of the benefit.

The only fair way to restore the proper cost balance between the retirees and the government is to reduce the premium, or increase the SBP benefit. The former benefits primarily retirees, while the latter benefits the survivors. Since retiree premiums were reduced to restore the 60/40 balance in 1990, Congress should restore the government's intended 40 percent cost share by raising the benefit for survivors. My bill does exactly that.

Now, the third issue. It is the military-civilian inequity. No less compelling than the misleading of enrollees and the decline of the intended subsidy is the stunning disparity that exists between benefits and subsidy levels the government offers military versus Federal civilian survivors.

In contrast to the military SBP subsidy of, remember, 17 percent, currently, the SBP for Federal civilian employees under the post-1984 Federal Employee Retirement System provides a 33 percent subsidy. For those under the pre-1984 Civil Service Retirement System the subsidy is 48 percent, and at 48 percent, it is nearly three times as high as the military's.

Even more important, the Federal Employment Retirement System survivors receive 50 percent of retired pay, and the other survivors under the old Civil Service Retirement System receive 55 percent for life, with no benefit reduction, no benefit reduction, at age 62.

□ 1830

Although Federal civilian premiums are higher, military retirees pay SBP premiums for a far longer period of time than do most civilians because they are required to retire at a younger age. Because their mortality rates are not much different, this means that Federal civilian retirees have a far more advantageous benefit-to-premium ratio, as indicated on these charts.

Now, military retirees particularly pay SBP premiums about twice as long, twice as long as Federal civilians because they retire at younger ages, but their spouses' longevity is about the same. So military SBP enrollees see a lower return and a much lower government subsidy.

Remember Dottie? My bill is the needed fix for the three major inequities of the Survivor Benefit Plan. We must keep faith with the older retirees and with the survivors. We must restore the intended 40 percent Federal subsidy, and we must put SBP on an equal footing with its Federal civilian equivalent.

The Military Survivors Benefit Improvement Act of 2003, my bill, accomplishes these three things. For these reasons, the 33 military and veterans associations of the military coalition have endorsed my bill and have made its passage one of their top priorities in the 108th Congress.

H.R. 548 will balance equity and will balance cost considerations by phasing out the SBP age 62 benefit reduction over the next 5 years. And upon enactment, the age 62 benefit increase phase-in will begin at 40 percent on October 1 of 2004 and continually annually each year after through the year of 2007

until the benefits are restored to a full 55 percent as was the desire of Congress.

In order to offset part of the costs of the benefit increase, H.R. 548 authorizes an open season provision in the legislation that would allow more retirees to participate, generating SBP program savings, and significantly reducing the outlays.

Now, Congress has already acknowledged the need for this particular piece of legislation. The fiscal year 2001 Defense Authorization Act included a provision asserting the sense of Congress that there should be enacted legislation to reduce and eventually eliminate the different levels of SBP annuity for surviving spouses who are under age 62 and those who are 62 and older. But we have failed to follow through on that commitment for the last 2 years. It is time for us to fix this problem. Military widows and widowers have waited long enough in their fight for fairness. Now is the time for Congress to step up and enact relief for the aging survivors of our greatest generation. World War II and Korean War retirees, and the following generations of retirees and survivors, deserve no less than the SBP deal they were promised and the one the government already provides for other Federal survivors.

Now, a quick time line of H.R. 548. It was introduced on February 5 of 2003. And upon introduction, we had 118 bipartisan co-sponsors. That is 27 percent of the entire House of Representatives. On that day it was referred to the Committee on Armed Services. On February 28 of 2003, it was referred to the Total Force subcommittee, and on the same date executive comment was requested from DOD. Now, over 3 months later I urged DOD to act on this request.

On March 7 of 2003, a letter was sent to the gentleman from Iowa (Chairman Nussle) and the ranking member, the gentleman from South Carolina (Mr. SPRATT), of the House Committee on the Budget urging support to include budget authority in fiscal year 2004 in our budget resolution. On the letter there were 36 bipartisan co-signers, including numerous members of the Committee on the Budget, the Committee on Armed Services, and the Committee on Veterans Affairs. Today this bill has 268 bipartisan co-sponsors. That equates to 62 percent of this House.

All Americans should urge their Representatives to co-sponsor H.R. 548 and their Senators to co-sponsor Senate bill 451, introduced by Senator OLYMPIA SNOWE of Maine.

Again, who supports H.R. 548? The number one legislative priority of the Military Officers Association of America and the 108th Congress. Additionally, the bill is strongly endorsed by the Military Coalition, a consortium of 33 nationally prominent military and veterans organizations representing more than 5.5 million members of uniformed services, active, reserved, retired, survivors, veterans and their families; and there are many, many others that have sent letters of support for this bill.

There are others that are tracking similar legislation in this body. I would note tonight that H.R. 1726, the Military Surviving Spouses Equity Act, sponsored by the gentleman from South Carolina (Mr. BROWN), repeals the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affair as dependency and indemnity compensation, or DIC. It provides for the recoupment of certain amounts previously paid SBP recipients in the form of retired pay refund. It was filed on April 10 of 2003. It has been referred to the Committee on Armed Services. It has 24 co-sponsors. And I want to commend my colleague, the gentleman from South Carolina (Mr. BROWN), for his efforts to restore equity to this aspect of SBP; and I am proud to be an original co-sponsor of this legislation.

H.R. 1653, sponsored by the gentleman from New Jersey (Mr. SAXTON), would change the effective date for the paid-up coverage under the military Survivor Benefit Plan from October 1 of 2008 to October 1 of 2003. It has 25 co-sponsors, and I am an original co-sponsor of this particular bill. It was filed on April 7, and it too has been referred to the House Committee on Armed Services.

A third piece of legislation, H.R. 1592, the Military Survivors Equity Act. It has been sponsored by my colleague, the gentleman from California (Mr. FILNER), and it would repeal the two-tier annuity computation system applicable to annuities under the SBP plan for retired members of the Armed Forces so that there would be no reduction in such an annuity when the beneficiary becomes 62 years of age. It was filed on April 3 of this year, referred to the Committee on Armed Services; and it has 5 co-sponsors as this time. Both the Filner bill and my bill fulfill the 2001 sense of Congress resolution to reduce and eventually eliminate this SBP reduction. Again, both these bills go a long way to fulfilling the sense of Congress and that resolution to reduce and eventually eliminate this SBP reduction.

Let me talk a little bit about the VA budget for 2004. Our service men and women who continue to fight for our freedom and security around the world must know that Americans are united in their support for them and for their safe return. We in Congress, along with President Bush, support not only the troops in the field but also the scores of veterans who have already given so much to this country.

Unfortunately, there have been false reports, false reports circulating that Congress is actually cutting veterans benefits. Here are the facts of the congressional budget for fiscal year 2004 relating to veterans spending. This budget will allow us to fully meet our commitments to more than 2.6 million disabled veterans and widows who rely on VA benefit checks every month. It calls for $33.8 billion in mandatory spending. This is the highest spending ever in this area. It also calls for $30 billion, a 12.9 percent increase in discretionary spending. Nearly 90 percent of this funding is for veterans' medical care. These are the indisputable facts of this year's Federal budget for veterans.

House Members, particularly the Republicans, along with President Bush, are committed to ensuring that those who have served their country with pride, with valor and dignity receive the best of America's appreciation. Any suggestion otherwise is simply untrue, is not supported by the facts.

During January, I had the opportunity to visit with some of our men and women in uniform stationed in Germany, Italy, and France. And I was struck by their professionalism and commitment to their assigned duties. They were proud to serve. It is just as simple as that.

Two weeks ago, I visited North Korea where freedom is nowhere to be found and democratic thought is oppressed. We are truly blessed to live in a world of freedom and democracy and where life, liberty, and the pursuit of happiness are abundant and, I would submit, many times taken for granted.

Defense of the principles and values that we hold so dearly as a Nation leads our men and women into conflicts around the globe. Many return home after giving the ultimate sacrifice in defense of such values. But to those who do return, we can never say thanks enough.

Today, as we continue to rely on our Armed Forces in the war against terrorism, we look to our veterans for their example of courage and sacrifice. It is their selfless service that has made our Nation strong and our world a better place. America's veterans deserve our respect, our deepest respect, and enduring appreciation, as do their spouses who choose to marry members of our armed services and to share with them all the joys and sacrifices of their active duty careers.

The Survivor Benefit Plan is not to military spouses what Congress had intended or what enrollees were promised. The program is not providing the level of protection military survivors need and deserve.

Retirees and survivors deserve no less in the SBP deal than they were promised. This Congress needs to step up and deliver what the aging survivors of our greatest generation retirees were promised. And we need to provide at the proper level the protection necessary for future generations of retirees. Congress must act to fix this problem now.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about a military widow in my Congressional District who has written to me about her Military Survivor Benefits Plan, known as SBP.

She writes: ''My husband, who served in the Army for 20 years, died in July, 1995. I was then 61 years old. I was doing okay, paying my monthly bills and having enough left for groceries, but when I turned 62, I was notified my SBP was reduced from $476 to $302. What a shock! This was my grocery money they took from me. I hope that nobody else has to go through what I have. I cry every day and night. Not only have I lost my husband, I lost my money, my pride, my dignity.'' These words from the widow of one of our nation's veterans should be seared into the mind of every member of Congress.

Tomorrow, along with a number of my colleagues, I will be signing a discharge petition for H.R. 303, a bill to provide what is known as concurrent receipt to our disabled military retirees. If this law is passed, these retirees would be able to receive both their military retired pay, which they earned, and their VA disability compensation, which they deserve! As you know, both the House and the Senate passed concurrent receipt during the last session of Congress—and only in the Conference, was it diluted to almost nothing. We are again fighting to correct this grave injustice.

I am here today to state that there is another equally deserving group that we must include in this fight—the widows of our military retirees! Not only are many of our military retirees being denied their rightful benefits while they are alive, their spouses are being denied their rightful benefits upon their death.

The law to reduce the benefits received by military retired widows when they turn 65 is misleading and unfair. It is time to change this law! Most of these military widows are living on small incomes, but even people with substantial incomes would have a tough time coping with a reduction from 55 percent of their retirement benefits to 35 percent.

My bill, H.R. 1592, the Military Survivors Equity Act, would immediately eliminate this callous and absurd reduction in benefits that now burdens our military widows. My colleague form Florida, Mr. MILLER, has introduced H.R. 548, a bill that would increase the post-62 SBP annuity so that it reaches 55 percent of the military retired pay by 2007. Both bills fulfill the 2001 ''sense of Congress'' resolution to reduce and eventually eliminate this SBP reduction. The passage of this legislation is a top priority for the Military Officers Association of America, and the Veterans of Foreign Wars has also voiced their support for these bills. The Democratic Salute to Veterans and the Armed Forces legislative package, recently released, also calls for an end to this unfair reduction of benefits.

I encourage members from both sides of the aisle to work with Congressman MILLER and me to stop the pain and anguish we are causing our military widows and to show respect for the tremendous sacrifices made by our veterans and their families. We must pass this legislation to make this the compassionate and effective Survivors Benefits Plan it should be.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

SUPPORTING HEAD START

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I rise this evening to talk about a most important successful program that young children have been able to participate in from very needy communities for a long time now. But first I would like to thank the chairman of the Congressional Black Caucus for organizing this Special Order this evening.

Mr. Speaker, I rise in strong support of the Head Start programs, and I would urge all of my colleagues to oppose the radical changes that are being proposed by the Bush administration.

□ 1845

I have taken time out this evening to be here with whatever colleagues will join me to talk about this program because it is a program that I love. I love the Head Start program. I love this program because I got involved with the Head Start program early on. I got involved at the inception of the Head Start program under the war on poverty. The country was very excited about the fact that under the war on poverty there was going to be this program, an early childhood education program, for people in poor communities and working communities that had not been able to send their young children to preschool programs.

At one time in this country, preschool programs were only available to people with money, to the wealthy, to people who were earning good incomes, but Head Start was envisioned under the war on poverty as a program that could help children in poor communities and working communities get a jump, get a head start so that they would be prepared for kindergarten. They would be prepared for school and education.

The researchers and the educators that came up with this idea understood that for young people to be successful or more successful in school, if they had this preschool experience, it would not only prepare them for reading and learning, but it would also build other kinds of qualities. Building self-esteem was an important idea of the Head Start program.

I went to work for Head Start as an assistant teacher. I went into the Head Start program, and little did I know that Head Start was not simply to be a place of employment for me, it changed my life. In Head Start, not only did I learn how to work with young people, to build self-esteem, I later became the supervisor of parent involvement and volunteer services where I worked with families, with mothers and fathers and grandparents, bringing them into the Head Start program and helping them to understand that they certainly could be in control of their children's destiny.

Head Start was a program that not only dealt with early childhood education, a preschool experience for young people, but it was a program that helped to deal with parenting and helping parents to understand how they could, in fact, get more involved and give more support to their children.

Also, this program spread out into the community, and it helped parents to understand how not only they could be involved with their children's early childhood education, but they could be involved in the community and helping the community to understand how to be supportive of education, interacting with the school boards and with other educators, talking about their children's experiences and what was going on in the homes and helping educators to be more in tune with how they could better give young people a head start.

Head Start is very special because it takes into consideration the whole child. This program understood early on that if we are to be successful with our young people in education, we must give them every advantage and every opportunity to learn. Before Head Start, children were going to school. They could not hear well, could not see well, had learning disabilities, had never had a physical examination, had never had an examination to determine some of the problems that were so obvious when one interacted with these young people.

When we opened Head Start, we brought in the families and the children, and they had full physical examinations. They had an opportunity to talk with counselors. If psychiatrists were needed, they had that, also. So we discovered that there certainly were learning disabilities; dyslexia, and other kinds of problems were discovered and they were worked on.

Health care opportunities and preventive care was available to these parents for the first time. So we were able to attend to these health needs so that the children could certainly be prepared for learning, and that is what happened in the Head Start program.

The Head Start program not only dealt with the health care needs and preventive health care for families, it helped families to understand how they could build self-esteem. We learned a lot about self-esteem and how parents and families could be involved in building that self-esteem. We talked to parents how to place the work of their children on their walls at home, the paintings and the drawings and all of those things that children felt proud about, but oftentimes parents and families did not know how important it was. We taught them how to display the work of their children, but we also taught them how to take materials in

their homes and materials from in the environment, in the neighborhood, from the trees and from the shrubbery, and use them as art tools and how there could be art projects and children could learn to use the various skills that they had that they had not discovered.

Head Start not only took care of the health care needs, expanded the learning for parents to help them to build self-esteem with their children, Head Start went further than that. The Head Start program opened up opportunities in the classroom where children were introduced to books for the first time. Children in Head Start are taught to love books. They are taught that you never tear up a book; that you never throw a book around; that you take care of the books, that they are very important; and that one of the first steps in learning is to introduce kids to books and tell them how important it is, get them to respect the books and want to know what is in the books. Head Start opened up all of these opportunities to prepare children in that classroom for going into the public schools.

Mr. Speaker, Head Start has proven to be successful. When Head Start children first went to kindergarten, the teachers wanted to know who are these children and why are they so prepared. Head Start children went into the classrooms for the first time asking questions and participating. This program has worked. Someone has said, it was not me, if it is not broken, what are you doing trying to fix it?

Head Start does not need to be fixed. Head Start is a good, solid, sound program of early childhood education that brings in the parents and the community, and this idea of this administration to block grant the Head Start, throw it into the States, is an idea that we have to resist. We resisted the part of the first idea of this administration that wanted to take it out of Health and Human Services and place it into the Education Department.

We fought them back on that, but now they are intent on block granting the program to the States. I do not know about other States, but I know the State of California has a $38 billion deficit. We do not want to throw this program into a State that could easily take funds from Head Start to help make up for the lack of funds in other areas. We know what happens when we block grant programs. We give the States the opportunity to do what they want to do with the money, and so we are opposing that. We are strenuously opposing block granting this program.

For those of us who have had the experience of working in the Head Start program, of working with parents in the Head Start program, for visiting the Head Start programs, interacting with the children, the families and the teachers, we say no to the Bush administration, you cannot have Head Start. We will not let you undermine this program with these ideas that you have about throwing it into the States and giving it to the States under a block grant.

With that, I am going to yield to the gentleman from New Jersey (Mr. PAYNE) to share his thoughts on Head Start.

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from California for framing the argument. I think she did an excellent job, the gentlewoman from California (Ms. WATERS), a person who helped organize Head Start parents and who for many years has held the importance of children as our most valuable possessions and has seen the success of this program, as have all of us, and that is why we stand here this evening, the Congressional Black Caucus, with our chairman the gentleman from Maryland (Mr. CUMMINGS), to discuss this question of Head Start.

I commend our chairman for organizing these Special Orders on issues that impact on the poorest of our people, the people with no voice, people in Appalachia and delta regions and in urban centers that are not represented by lobbyists, and so we are their voice. We are their spokesperson. We speak for those who have no voice, and so I am proud to say that Head Start should not be tampered with.

In 1964, President Lyndon Johnson gave his State of the Union address before Congress and our Nation with an announcement to declare war on poverty. This was a great declaration which caught the imagination of our Nation. In his declaration, he believed for the first time in history that poverty could be eradicated and offered his proposal, the Economic Opportunity Act, EOA, of 1964. Despite opposition that believed poverty was on the decline from the highs of the Great Depression, Johnson was undaunted.

He declared, ''The Act does not merely expand old programs or improve what is already being done. It charts a new course. It strikes at the causes, not just at the consequences of poverty,'' and that is where the Head Start program is so important. It strikes at the causes of poverty to deal with poverty elimination in this country. ''It can be a milestone in our 180-year search for a better life for our people,'' said Lyndon Baines Johnson.

After the bill was signed into law that very year, the Office of Economic Opportunity was created to fulfill its mission. At the same time, a pediatrician by the name of Dr. Robert Cooke was asked to head a new office to lead a steering committee of specialists in all fields to discuss what should be done for young people to bring them out of poverty and to assist them in their early lives. Their recommendations, known as the Cooke Memorandum, outlined what we now know today as the Head Start program.

Launched as an 8-week summer program, Head Start was designed to help break the cycle of poverty by providing preschool children of low-income families with a comprehensive program to meet their emotional, social, health, nutritional and psychological needs. That is why this program is so important. Head Start is to break the cycle of poverty because it deals with emotional, social, health, nutrition and psychological needs.

Since its inception, Head Start has served over 20 million children. Today, it is a full-day, full-year program providing preschool children of low-income families, working families, with a comprehensive program to meet their emotional, social, health, nutritional and parental support. Head Start focuses on the whole child, extends to recognizing the importance of strengthening the family, not necessarily the institution but the family.

Throughout its inception, Head Start has included parents. Parents sit on committees to select teachers. They help with the curriculum, this is the participation, and parents learn through this program. Head Start has included parents in both their child's education and in their membership to the Head Start Policy Council, which serves as a vital link between the community and public and private agencies.

Parental involvement is a critical and integral part of this program. Economically disadvantaged families are no longer seen as passive recipients of service but, rather, as active, respected participants and decision-makers, and many of them have moved on to complete their education, and they have become leaders, and they have become elected officials, and they have become stalwarts in their community. That is why Head Start is so good because it takes the total family.

□ 1900

Today we stand here to support our Head Start program, and oppose H.R. 2210, a bill which will dismantle the program as we know, hurting the very ones we should be helping, our Nation's children. If the bill were enacted today, it would mean changing the current Federal to local partnerships to a State optional plan. As indicated by the gentlewoman from California (Ms. WATERS), a State optional plan is another way of saying block grants.

The Federal Government would give States the authority to create their own preschool programs without the same performance standards as Head Start and without additional funding. Nationwide, States' commitment to preschool is $2 billion. It is much less than the Federal contribution of over $6 billion. In light of the $38 billion shortfall in the State budget in California, $5 billion in New Jersey, in excess of $70 billion in shortfalls in State budgets across the Nation, we cannot leave the fate of our children in the hands of States struggling to meet their other needs.

The impetus of this bill, the administration's Head Start proposal, states a

need to better coordinate preschool programs in the States. But Head Start already coordinates with child care and prekindergarten programs. According to research done by the Center for Law and Social Policy, many Head Start agencies have formal agreements with school districts around the country to coordinate transitional services for children and families. Coordinating will not help the fact that Head Start is severely underfunded. You can coordinate all you want; you cannot get more with a limited amount of funds. So the problem is not coordination; it is the lack of funding.

There are a half million children in the country that are eligible to attend Head Start today. That is three out of five children, and they are not all being covered today.

In conclusion, I have offered a resolution, H. Res. 238, a resolution expressing support for the Head Start program which has had a positive impact on the lives of millions of children nationwide. The resolution not only recognizes the contribution of Head Start; it also supports maintaining its current designation at the Department of Health and Human Services. With the average child care cost in New Jersey at over $5,000 a year, thousands of children across my State and others would not have access to an exceptional program that has them ready to learn by the time they enter kindergarten if Head Start were not there to serve them. Terms of such State options and coordination will mean a shortfall and this 38-year program does not need to have this fate. We need to move towards full funding of Head Start, furthering the quality of this program, preserving the focus of comprehensive services to children and their families. We need to support Head Start as it is today.

Ms. WATERS. Mr. Speaker, I thank the gentleman from New Jersey for that brilliant presentation on Head Start, and I yield to the gentleman from Maryland (Mr. CUMMINGS) for this important discussion on the floor, the esteemed chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for her passion on this issue and so many other issues.

Just the other day, the gentlewoman stood in the meeting of the Congressional Black Caucus and poured her heart out with regard to her concerns for our children. I think everybody in the room could feel that passion.

One of the things that I think hit us real hard was we all realize, and I know the gentlewoman from California (Ms. WATERS), who has been standing up for these kinds of issues over and over again, time after time, we all realize that our children are the living messages we send to a future we will never see. So tonight the Congressional Black Caucus joins together, and I want to thank all members of the caucus. We come to stand up for our children. As the gentleman from New Jersey (Mr. PAYNE) said, they are not just children that may be found in South Baltimore or West Baltimore, but they are the children that will be found in Appalachia and poor regions throughout our country; and when I say poor, I mean economically poor.

Since 1964, Head Start has given nearly 19 million American children the educational, nutritional health, and related services that are essential to early childhood development. The ongoing Family and Child Experiences Survey has consistently documented the success of this national partnership for America's future. If Head Start did not exist, we would have to invent it. This year the survey again reported that teachers in Head Start centers are effectively preparing our children for school.

I note this fact because some critics would have us believe otherwise. Throughout this country, Head Start is a bridge to the future being constructed by local communities with help from their national government; and that is what we should be all about, communities coming to the aid of their children, those children that come from their womb and whose blood is running through those children's veins, trying to lift them up so they can be all that God meant for them to be. That is what the national Family and Child Experiences Survey tells us. I can validate the survey's conclusion because Head Start funding is making an important and positive difference in the lives of more than 10,000 Maryland children this year.

Many of these children live in my hometown of Baltimore. Some attend a wonderful Head Start program at Union Baptist Church just down the street from my home. Every time I pass that Head Start center, I feel a warmth and I see a beacon of light in a very, very depressed area. When I visit these children and their teachers and parents in Head Start programs throughout the Baltimore area, I am reminded of the fact that they are looking at our children and seeing all of the wonderful things that are within. And these teachers are just like a sculptor who looks into a piece of wood and sees a wonderful, wonderful piece of art and understands that he has to use his tools to carve and bring out that piece of art. It is the same thing with our wonderful and very dedicated Head Start teachers.

I am deeply gratified that this year more than $76 million in Head Start funding will give Maryland children a head start in life. It is a moral and practical investment in our future.

Nationally, we know that every dollar we spend on Head Start saves taxpayers between $4 and $7 down the road. For all the good that Head Start is doing, however, we must not lose sight of the fact that Head Start could be doing so much more if the program were adequately funded.

This is what the gentlewoman from California (Ms. WATERS) has been talking about over and over again. Today Head Start only serves approximately 60 percent of the children who are eligible. Funding was raised to almost $6.7 billion for fiscal year 2003; and for fiscal year 2004, the administration has proposed another small increase to just under $6.8 billion.

These small increases in funding that we have achieved in recent years represent positive and important steps forward. Nevertheless, as we consider reauthorization this year, we should step up to the plate and finally give Head Start the funding that would allow every eligible child to participate. We should guarantee a head start in life to every American child who needs our help.

The Nation's teachers, through their National Education Association, stand full square behind this vision. I realize that extending a head start to every deserving child would be very expensive. But I say to Members that when I visit the jails in Baltimore and I see our children in shackles and handcuffs and I look at their reading levels and the average reading level is less than a fifth-grade reading level, that tells me something.

So we must ask the question is it better to pay later when our children are locked up and not achieving the things that they should be achieving, or is it better to invest in them when they are growing up in their formative years? The estimated cost would be an additional $29 billion over the next 5 years. Think about all this Nation would receive in return for additional investment in our future. We would be living in a country that made a meaningful commitment to truly leaving no child behind. We would be saving money in the long run because of reduced costs for special education, social services, teen pregnancy, juvenile crime, and other problems down the road, a true head start for every American child. This is a vision that all Americans can support.

We have been working hard during my years of service in the House to make Head Start even better. We have set strong national standards for Head Start that complement the power of Head Start's local Federal partnerships. We have maintained our traditional emphasis on substantial parent involvement. We are succeeding.

That is why we should resist Republican efforts to transfer management of Head Start to the States. The bill proposed by my Republican colleagues with the supposed purpose of enhancing the schools' readiness of low-income and disadvantaged students is grossly misleading. The supposed demonstration project being proposed will block grant funding of Head Start to certain States. I maintain this will not enhance the school readiness of students, but is instead a thinly veiled attempt to weaken and dismantle this very powerful and significant Federal program.

When I think of the Republican proposal, a certain quote by Reverend Joseph Lowery comes to mind. Reverend Lowery once asked, ''Will America lose her soul for political chicanery? Would you give a balanced budget on the backs of the poor? Would you have welfare reform for the poor while the rich corporations continue to enjoy tax exemptions and subsidies? America, what would you give in exchange for your soul? Would you reduce school lunches for poor children in exchange for your soul?''

Well, Mr. Speaker, I would ask one more question in addition to those posed by my friend, Reverend Lowery. Tonight I ask America if she would dismantle one of a few Federal programs that gives poor children a hand-up in exchange for her soul. Facing crippling budgetary crises, the States should be concentrating on their traditional K–12 education role. Let us help the States succeed in K–12 education first before we consider turning early childhood education, nutrition, and all of the other services Head Start provides over to State governments.

Local leadership has always been the foundation of Head Start's success. Local leadership, high standards, and increased Federal support can assure every American child a head start in life. Our children are indeed our living message that we send to a future we will never see, and it is our duty in this Congress to assure that the living messages this generation sends to America's future are filled with competence, confidence, and hope.

Mr. Speaker, I thank the gentlewoman for her leadership.

Ms. WATERS. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his passionate plea to our colleagues not to allow this program to be dismantled, and I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first, I want to thank the gentlewoman from California (Ms. WATERS) for her leadership and really for her guidance based upon her remarkable experience with Head Start and for her passion and for her commitment to children who really otherwise would have very few opportunities to succeed.

□ 1915

I also want to thank the gentleman from Maryland, chairman of the Congressional Black Caucus, who once again is demonstrating his enormous leadership by sounding the alarm in terms of this administration's assault on children.

We have come together tonight to talk about an issue really that is about our future. It is about the future of our children. So what else could really be more important? Head Start has been an enormously successful program since its inception in 1965 because it continues to offer comprehensive programs for children and families. Head Start has enabled these children to enter kindergarten on an equal footing with students who were really born into wealthier socioeconomic circumstances. Over the last four decades, Head Start nationwide has reached an unbelievable number of students. Since 1965, over 20 million children across the country have participated in Head Start programs. Last year alone, Head Start and Early Head Start programs worked with more than 900,000 children in 2,590 local programs. In my own hometown of Oakland, California, over 1,600 children are part of our area Head Start programs. But we are still not really reaching enough kids. On any particular day, 300 to 400 children are on a waiting list for the Oakland Head Start centers. In fact, all 30 centers have children on a waiting list, meaning that all areas are being affected; 300 to 400 children, as I said, are far too many to have to begin school already behind. In fact, one child on a waiting list is really one too many, one too many in terms of a young person not afforded access to early participation in such an enormously successful program.

Yet again the Bush administration is dismantling another excellent domestic program by trying to reduce the effectiveness, and that is what this is going to do, reduce the effectiveness of Head Start. They are trying to radically change what has really been a radically effective program. President Bush's plan to reform Head Start would systematically, basically, and probably will really gut Head Start. For instance, the President has called for moving Head Start from the Department of Health and Human Services to the Department of Education. The administration wants to move Head Start from HHS because they believe preschoolers should be judged solely by academic standards. President Bush wants to begin a national reporting system of literacy testing, mind you, literacy testing for our 4-year-olds. How ridiculous and how sinister this is.

Administrators in the city of Oakland's Head Start program tell me that moving Head Start to the Department of Education will mean the end of all of the support services and the component services that make Head Start so successful. When parents and children in Oakland and throughout my own congressional district heard of this proposal a couple of months ago, several hundred people participated. These were men, women and children, families, participated in a rally, all of them saying in no uncertain terms, ''If it ain't broke, don't fix it.'' This will be, and I heard this over and over again, the end of health services; and in a country where our health care system is totally broken, to eliminate health services for young people which they receive through the Head Start program is really, really wrong. It is wrong because, again, the President and the administration's view is that it should be only a literacy program.

By turning Head Start into a block grant program, the President claims that Head Start will be more flexible while ignoring the fact that one of Head Start's virtues is that it already has a great deal of flexibility on a local level. Yet Head Start is, and should continue to be, a national program. We really do not need 50 different administrations in 50 different States. We do not need these bureaucracies that will take money from children to go to State budgets and overhead costs. Block granting Head Start funds is really a particularly bad idea this year because our States are experiencing such huge budget deficits. It will be especially tempting for Governors and State governments to really try to tap into this money. That is not to say that State governments will misappropriate money, it is just a real acknowledgment that State officials will be tempted to use this money to offset their deficits. How do we know that this money would be used for Head Start? This really puts our children's future at risk at the whim of State budgets. This is just downright wrong.

With these proposals, the Bush administration is demonstrating once again their disregard for our children and our families, those that do not have a lot of money. They are demonstrating their real contempt for working families struggling just to make it on wages that are not enough to raise them up above the poverty level. While the administration devastates Head Start, they simultaneously sign a tax cut primarily for the wealthiest in this country. They spend billions of dollars on war, at the same time not fully funding education, cutting child care, health care, job training programs and housing. We cannot let the President and this administration dilute what has been one of the most successful programs over the last four decades. We must stop the President's assault on Head Start. We must stop this Congress' assault on Head Start.

I encourage our colleagues to join all of us, the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus, all of us in this resistance. Our children deserve us to stand up for them at least this one time.

Ms. WATERS. I thank the gentlewoman from California for her longtime concern and actions on behalf of children. I thank her for taking time out of her schedule to be here this evening.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. I thank the gentlewoman for yielding and to the members of the Congressional Black Caucus, I thank them for hosting these educational hours to educate the American public as to what is going on in the people's House.

To me, the cold-hearted attitude of the House Republicans can be summed up in a statement made last week by

the House majority leader. When asked about bringing up the child tax credit bill, he said, and I quote, ''There are a lot of other things that are more important than that.''

I humbly ask my colleague on the other side of the aisle, what exactly on your agenda is more important than the protection of the children in this Nation? In my State of Florida alone, the child tax credit package benefits over a million children. Once again, the Republican leadership is catering its agenda to the rich, after deciding just today that the only way they would agree to take up the child tax credit bill is by adding on an $80 billion tax credit for the rich in the bill. Even though their selected leader, George W. Bush, is urging them to take up a clean bill and even though they follow his leadership in everything from tax cuts for the rich to foreign policy, when it comes to funding children's programs, they ignore even the plea of the White House. In addition, the House Republican leadership is planning to dismantle Head Start, one of the best educational programs for children of working-class families, by block granting program funding.

There was $900 million sent down to Florida Governor Jeb Bush. Yet he put the money in the bank as opposed to helping the people of Florida. Block grant money is not the way to go. In the past, everyone was telling me, just send the money to the State. In the area of transportation, just send the money to the State. Education, just send the money to the State. They will know best what to do with it. I can tell you, they are singing a different tune now. When I talk to the mayors or the county commissioners, they tell me, Whatever you do, don't send that money to Tallahassee, because we will never see a dime of it. Whatever you do, don't block grant the money and send it to Tallahassee. It is a deep hole and they never see a dime of the dollars that come from the Federal Government down to the State.

The Republican Head Start block grant plan will end Head Start as we know it, one of the most successful programs in the history of this country. Even the new limited eight-State block grant is a risky deal. Why risk turning a successful program over to States with unproven expertise and without the Federal program quality standard requirements and oversight that are demonstrated to increase school readiness?

My colleagues, there is an old expression which really applies to this issue: If it ain't broke, don't fix it. Head Start kids are very prepared to do better in school than low-income children who do not receive Head Start. In addition, it has been proven that Head Start narrows the readiness gap between Head Start kids and kids from the more affluent side of the tracks. Head Start should help children arrive at school more ready to learn, and it does. But for the administration to expect Head Start to completely protect children against the effects of poverty is just plain stupid. Moreover, block grants do not work. Block grants gut the quality of comprehensive services. And this block grant plan is particularly bad and requires States to provide a bunch of services but does not require the same nature, extent or quality of them. None of the 13 areas of Head Start performance standards that lay out the comprehensive services and high level of quality that have made Head Start successful are even mentioned in the block grant. In fact, the block grant emphasizes comprehensive services being met through referrals of families to outside service for assistance, which would end up encouraging States to provide a much lower level of service.

In addition, the block grant does not specify any minimum requirements for teacher education levels, for child-staff ratios or for curriculum content. It simply calls on each State to come up with their own school standards and their own ways of measuring progress against those standards. I can go on and on and on as far as Head Start is concerned. I will submit my statement for the RECORD. But I do have a question for the gentlewoman from California.

When we passed, when the House passed—I did not vote for it—the $350 billion, $20 billion was earmarked to the States. Can you explain what was the purpose of the $20 billion that went to the States? Was it to put in the bank and use for a slush fund next year to, I guess, enhance the chances of the Republicans to continue to practice reverse Robin Hood, stealing from the working people to give tax breaks for the rich? What was the purpose of that $20 billion?

Ms. WATERS. I thank the gentlewoman for her presentation this evening, not only on Head Start but the discussion about the child tax credit and helping to unveil what is really going on in this administration. The question that you raise is one that I am sure many of our colleagues would like to respond to this evening, and if they were here, they would tell you that many folks worked very hard to get some assistance to the States because many of the States are in deficit positions. They are cutting programs. They are cutting health and education. They are cutting the school week in some States. In 2003 in the United States of America, the school week has been cut down from 5 days to 4 days.

Members of this Congress are shocked on both sides of the aisle about the kind of cutbacks and the deficits that we have in the States. That money is not meant to be banked. It is meant to offset the debt and the cuts that are being experienced by these States, and certainly though we did not support that tax bill for good reasons, that part of that bill that sends the money to the States is a part that many of us do support because we want to make sure that we do not have these hardships experienced by our constituents because of cutbacks.

Ms. CORRINE BROWN of Florida. That is an example of what is wrong when you send a block grant to the State and you do not specify.

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nderstanding in talking to the different committees, it was specified that this money would be used to help the States in their struggle.

I do not know whether the gentlewoman saw it, but last week on the national news, on ''Dateline,'' they discussed the number of students, hundreds of thousands of students that are failing the tests in Florida, third graders who were being held back, thousands of students not graduating, because we came up with additional educational standards. And I must quickly say that many of the schools, the ''F schools'' or the failing schools, have been the schools on the other side of the railroad tracks, the schools on the other side of the bridge, that have never gotten adequate funding.

So when we set standards, and the support was not there to work with the schools, many of the children do not do well. We look at the State of Florida as we speak. We do not have summer school programs in place. Could some of that money be used for summer schools, for some of the cuts that have occurred in the school system to augment the cuts in the programs for educational support for the school system?

Ms. WATERS. I would certainly think so. Again, we talk a lot about education being our number one priority, about children being our number one priority. But there are some States that are not putting the money where their mouths are, and we are not giving the children of this Nation the kind of support that certainly a rich Nation such as ours should be giving.

I think this is a prime example of what we are talking about this evening, the Head Start Program. It is underfunded, children on waiting list, only a 2 percent increase; and it is a proven program of success that not only helps to prepare our kids for kindergarten and for school, but it also helps to make parents stronger in their support for their children. The gentlewoman is absolutely correct; that money could be used for educational purposes.

Ms. CORRINE BROWN of Florida. I thank the gentlewoman once again for bringing this subject area to the American public.

Wake up, America.

To me, the cold hearted attitude of House Republicans can be summed up in a statement made just last week by the House majority leader. When asked about bringing up the Child Tax Credit bill, he said, and I quote: "There are a lot of other things that are more important than that . . ."

Now, I humbly ask my colleagues on the other side of the aisle, ''what exactly, on your agenda, is more important than the protection

of the children of this nation?'' In my state of Florida alone, the Child Tax Credit package benefits over a million children.

And once again, the Republican leadership is catering its agenda to the rich. And after deciding just today that the only way they will agree to take up the Child Tax Credit bill is by adding on an $80 billion tax credit for the rich to the bill. And even though their selected leader, George W. Bush, is urging them to take up a clean bill, and even though they have followed his lead on everything from tax cuts for the rich to foreign policy, when it comes to funding children, they ignore even the plea of the White House.

In addition, the House Republican leadership is planning to dismantle Head Start, one of the best education programs for children of working class families, by block granting program funding.

You know, there was $900 million sent down to the Florida governor Jeb Bush, yet he put the money into the bank, as opposed to helping the people of Florida. Block grants is just not the way to go. In the past, everyone was telling me, send transportation dollars to the states, send the education dollars to the states, the states can best figure out how to use it. They're not telling me that now, when I talk to the Mayors in Florida, or to the County Commissioner, they tell me that, ''whatever you do, whatever you do, don't send the money to Tallahassee, because we will never see a dime of it.'' That is what they tell me, they say it gets lost in Tallahassee, and it never trickles down to the areas, to the first responders, to the Head Start programs, it is just an empty hole.

The Republican Head Start block grant plan will end Head Start as we know it. Even the new limited 8-state block grant is risky. Why risk turning a successful program over to states with unproven expertise and without the federal program quality standard requirements and oversight that are demonstrated to increase school readiness.

My colleagues, there is an old expression which really applies to this issue here: if it ain't broken, don't fix it. You know, Head Start kids are very prepared and do better in school than low-income children who don't receive Head Start. In addition, it's been proven that Head Start narrows the readiness gap between Head Start kids and children from the more affluent side of the tracks. Head Start should help children arrive at school more ready to learn—and it does; but for the administration to expect Head Start to completely protect children against the effects of poverty is just ridiculous.

Moreover, block grants don't work. Block grants gut the quality of comprehensive services. And this block grant plan is particularly bad, and requires States to provide a bunch of services, but doesn't require the same nature, extent or quality of them. None of the thirteen areas of Head Start performance standards that lay out the comperhensive services and high level of quality that have made Head Start successful are required or even mentioned in the block grant. In fact, the block grant emphasizes comprehensive services being met through referral of families to outside services for assistance, which would end up encouraging States to provide a much lower level of services.

In addition, the block grant does not specify any minimum requirements for teacher education levels, for child-staff ratios or for curriculum content. It simply calls on each State to come up with their own school standards and their own ways of measuring progress against those standards. But the problem is that those standards are not clearly defined in the block grant and vary greatly in content and quality among the States. As it is now, Head Start education standards are thorough and strongly based in standards of education, and having States come up with their own standards with no direction and no requirements will only serve to weaken education standards.

Lastly, block grants weaken oversight and evaluation. States that meet the eligibility criteria have their applications deemed approved by the Secretary by default—which means that there won't be any oversight or evaluation of the quality of the State plan. In addition, there is no minimum threshold required by States' internal evaluations of their programs—they can just go ahead and define it on their own. No States monitor their programs as closely as Head Start is monitored. And under the block grant, outside evaluations of the State programs will likely not happen very often. Under the Republican plan, there will be no more compliance reviews with regard to national performance standards. Gone will be meaningful Federal oversight and monitoring.

Why, why, why, the Republicans are changing something that works, just does not make sense. Once again I repeat: if something isn't broken, don't bother fixing it.

Ms. WATERS. Mr. Speaker, I would now like to yield to the gentlewoman from California (Ms. WATSON), an educator with a background in education, to make her presentation.

Ms. WATSON. Mr. Speaker, I want to thank the gentlewoman from California for allowing me time in this hour to raise my concerns about the current dismantling of Head Start.

The plan to block grant Head Start will damage the integrity and the efficiency of the program. This recent tax cut does little to safeguard our children's well-being. We must make better investments in our children and our future instead of stuffing the pockets of millionaires.

An investment in our children equals an investment in our Nation's strength, security, and future. The economic plans and focus of the administration must be balanced between future consequences and immediate gain. We must also continue to keep the facts at the forefront of the debate so that the administration and Congress can make policy decisions based on the facts, rather than on misguided interpretations and subjective judgments.

Head Start is one of the most successful anti-poverty programs ever created. It has helped millions of children prepare for school, become productive students, and improve their lives. However, drastic changes proposed by the Bush administration will erode the effectiveness of this program.

One proposal, to provide funding in block grants, will actually result in less money for Head Start. Changing the funding formula to block grants creates a daunting scenario for Head Start. Faced with the unceasing pressure of balancing their State budgets, some Governors already have indicated that they are willing to accept the administration's offer to opt in the block grant proposal. Governors may be able to use this money to cover budget deficits in their States; but overall, it will do serious damage to the program.

My home State of California receives over $800 million for Head Start. There is a $38 billion budget deficit. With the block grant proposal, California has the option to use that $800 million to close this gap.

There are other scenarios. Assume that six to eight States, representing 10 to 15 percent of Head Start dollars, elect to opt in and set up their own programs. That puts 148,931 current Head Start children at risk. If an additional eight to 10 States follow this lead, another 394,150 children will be placed at risk. It goes on and on, until all of the children are left behind without the Head Start program.

At present, only three States provide all the services needed to get at-risk children ready to learn. These States provide the same set of eight comprehensive services required of Head Start through state-run, prekindergarten programs.

Mr. Speaker, 30 States have such programs, yet only three are able to meet the standards that they created in order to prepare our children for school. Now it appears we want to give all 50 States this responsibility, knowing full well that these States have not proven that they are able to do so.

States will be able to lower teachers' standards; they will not be required to involve Head Start's 800,000 parent volunteers; and, above all, States will be forced to reduce the overall number of Head Start children served. States have already been forced to cut early childhood programs outside of Head Start due to the budget crunch. This will be a great disaster and disservice to our Nation's youth.

Another proposal, to remove Head Start from the jurisdiction of the Department of Health and Human Services and place it under the Department of Education, will undermine the core philosophy of Head Start. Since its inception, Head Start was designed to help the whole child. Current services offered through DHHS cannot be carried out as effectively as under the Department of Education.

There is no need to change a program that has proven to be so successful. In 1998, Head Start supporters sought to ensure that at least 50 percent of all Head Start teachers have an associate's degree or better by 2003. The program has met this goal. The Heads Up Reading Network was established to train Head Start and other early childhood teachers across the Nation. These are improvements that we hope to establish through the No Child Left Behind Act. We have not yet met these goals, but Head Start has met its goals internally.

Mr. Speaker, I encourage my colleagues to maintain Head Start as it is.

It is a success story. It is the duty of Congress to protect the current and future security of our Nation, and we must start with our children. And we must help the children of our migrant workers that are at risk, our youth and their parents. By supporting Head Start in its present form, we will be doing just that, securing our Nation by securing our children as they start their educational program.

I thank the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from California.

In closing, Mr. Speaker, you have heard brilliant presentations, comprehensive presentations from the members of the Congressional Black Caucus here this evening who have identified the value of Head Start: the fact that Head Start provides nutrition, the fact that it provides physical examinations, the fact that it prepares young people for education, the fact that it involves parents and gets them involved in helping to determine the educational destiny of their children, the fact that Head Start gets communities involved.

Mr. Speaker, this cannot be taken lightly. Head Start is indeed a successful program that has been in this country now for 38 years. Many children and families have benefited from this program, children from all over America, from communities all over this country. We value Head Start, and we appreciate all of those who had the vision to bring this valuable program to this Nation.

Again, we think that this program should not be tampered with. There is no reason to want to block grant this program. We would like to think that it is just a misunderstanding, that this administration really does not understand the risk that they are creating by tampering with this program and block granting it to the States.

Let me just tell you, Mr. Speaker, in addition to not having the requirements to go along with block grants, the one thing that strikes me as extremely detrimental to this program is the fact that nowhere in this block granting does it require that the parental involvement component remain with Head Start.

Many of us wax eloquently about parent involvement and family values and what it means for parents to be involved with their children and their education, but yet we see an attempt to change a program that has a strong component of parental involvement, an attempt to dismantle a program that has worked.

Mr. Speaker, Head Start will be reauthorized this year. It will not have all of the money that it needs. It will only have a small increase. There will still be children waiting to get into Head Start. But one way or the other, I know that this program is going to be reauthorized. I hope that it is done in the traditional, bipartisan fashion in which our children are not left behind.

However, H.R. 2210 suggests that we are off to a very bad start. It would be a tragedy if the Republican leadership chooses to try and force this bad bill through for partisan political purposes. We can and must do better than H.R. 2210. I urge the Republican leadership to heed the will of the American people and produce a bipartisan bill that both sides of the aisle can support. Millions of lives depend on Head Start, and we cannot afford to let them down.

This Congress has been criticized, Members on the opposite side of the aisle, who somehow cut out the poorest and most vulnerable families from the tax bill. We cannot afford to continue to have the kind of criticism and distrust that is mounting of this Congress over what appears to be an assault on families and children.

We have the issue of the child tax credit before us. It is shameful what has been done. I do not think that all of the Republicans on the other side of the aisle support what has been done. I do not think that they believe in what some of the leadership is saying about poor people not deserving to have this tax break.

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I believe that there are those on the other side of the aisle that will join with us on this side of the aisle and put an end to this attempt to undermine our Head Start program.

Mr. Speaker, I am so blessed, and I feel so blessed, to be able to be here tonight to speak on behalf of the children and to stand up for Head Start. I feel so blessed to have been a part of Head Start and to have learned what it means to invest in our children. I feel so blessed to have learned that we can indeed make our children successful in their education experience.

Many of those children who are being left behind are being left behind because they do not have the value of an early childhood education. I am delighted to have been a part of this evening.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have come to the floor this evening to express my concern about the lack of funding by this administration's to our nation's education programs and I wanted to share with my colleagues how this budget matches up with the priorities of the people I represent.

On yesterday, in a beautiful ceremony in the Rose Garden, President Bush hosted an event marking the progress, significant progress toward making sure every child in public schools gets a quality education.

Now, I am sure that made a great story on last evening's news, but Head Start is more than just news for the nearly 20 million families who have benefited from the program. It is real life. Head Start provides the most comprehensive program for children of low income, working families. In a recent study by the Family and Child Experiences Survey, the findings concluded that children are ready to learn. Another study concluded that Head Start narrowed the gap between disadvantaged children and their peers in vocabulary and writing skills during the program year.

I am here today because of this Administration's plans to dismantle this vital program by turning it over to struggling states. It baffles me why such a move would be necessary. Currently, the program provides federal grants directly to community organizations, allowing for local flexibility and strong federal oversight of Head Start's quality. If Head Start is turned over to states' during this time of economic uncertainty, it is very likely they will use Head Start funding to fill gaps in their own programs.

Mr. Speaker, the Head Start program not only involves the child but also recognizes the importance of the family. Head Start has included parents in both the child's education and their membership in the Head Start Policy Council. I have received numerous letters from teachers, parents, and other employees of the Sunnyview and Greater Head Start locations in my district of Dallas, Texas. Each one pleading for additional funding and urging the program to be kept in its current structure. One parent writes, ''they teach them how to write, count, their ABC's, to draw, to be responsible . . . . . Many families feel comfortable with this program because they can come in and volunteer in the classes and see what the children are learning.''

Mr. Speaker, in closing I would hope my colleagues on the other side of the aisle would consider listening to the countless voices of children that Head Start prepares for the foundation of their critical learning years. How can we deny them a chance at a decent future? I submit to you, that we cannot. It is our duty as federal lawmakers, that every child is prepared with a quality education so they can be productive citizens of this nation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 108–148) on the resolution (H. Res. 269) providing for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 108–149) on the

resolution (H. Res. 270) relating to consideration of the Senate amendments to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EMANUEL (at the request of Ms. PELOSI) for today until 3:15 p.m. on account of official business in the district.

Mrs. BIGGERT (at the request of Mr. DELAY) for today until 3:00 p.m. on account of traveling to Chicago, Illinois, with the President.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

The following Members (at the request of Mr. BARTLETT of Maryland) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, June 18.

Mr. HOBSON, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 12.

Mr. GUTKNECHT, for 5 minutes, June 17 and 18.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BARTLETT of Maryland and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,170.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, June 12, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2622. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Leslie F. Kenne, United States Air Force, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2623. A letter from the Secretary of the Navy, Department of Defense, transmitting notification concerning the Department of the Navy's proposed transfers, pursuant to 10 U.S.C. 7306; to the Committee on Armed Services.

2624. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additive Permitted in Feed and Drinking Water of Animals; Feed-Grade Biuret [Docket No. 02F-0327] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2625. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Emergency Reconstruction of Interstate Natural Gas Facilities Under the Natural Gas Act [Docket Nos. RM03-4-000 and AD02-14-000; Order No. 633] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2626. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification regarding an explosion in the Vinnell Housing Compound in Riyadh, Saudi Arabia; to the Committee on International Relations.

2627. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Recommendation No. 193 Concerning the promotion of Cooperatives and Recommendation No. 194 Concerning the List of Occupational Diseases and the Recording and Notification of Occupational Accidents and Diseases; to the Committee on International Relations.

2628. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2629. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Phone Numbers (RIN: 3095-AB20) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2630. A letter from the Director, OGE, Office of Government Ethics, transmitting the Office's final rule—Privacy Act Rules (RIN: 3209-AA18) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2631. A letter from the Assistant Secretary of the Interior, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule—Special Rules Applicable to Public Land Hearings and Appeals; Grazing Administration—Exclusive of Alaska, Administrative Remedies; Grazing Administration—Effect of Wildfire Management Decisions; Administration of Forest Management Decisions (RIN: 1090-AA83) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2632. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Blackburn's Sphinx Moth (RIN: 1018-AH94) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2633. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Preble's Meadow Jumping Mouse (Zapus hudsonius preblei) (RIN: 1018-AI46) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2634. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation and Nondesignation of Critical Habitat for 46 Plant Species From the Island of Hawaii, Hawaii (RIN:1018-AH02) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2635. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulations Governing the Taking and Importing of Marine Mammals; Eastern North Pacific Southern Resident Killer Whales [Docket No. 020603140-3129-03, I.D. 050102G] (RIN: 0648-AQ00) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 051403B] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2637. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 021219321-2321-01; I.D. 120901A] (RIN: 0648-AQ39) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2638. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; CCAMLR Ecosystem Monitoring Permits; Vessel Monitoring System; Catch Documentation Scheme; Fishing Season; Registered Agent; and Disposition of Seized AMLR [Docket No. 021016236-3089-02; I.D. 082002A] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2639. A letter from the Associate Counsel, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications (RIN: 0651-AB37) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2640. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property; to the Committee on the Judiciary.

2641. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; St. Thomas, U.S. Virgin Islands [COTP San Juan-03-024] (RIN: 1625-AA00) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2642. A letter from the Regulations Officer 238, FMCSA, Department of Transportation, transmitting the Department's final rule—Transportation of Household Goods; Consumer Protection Regulations [Docket No. FMCSA-97-2679](RIN: 2126-AA32; formerly RIN: 2125-AE30) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30370; Amdt. No. 3060] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2644. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation and Pension Provisions of the Veterans Education and Benefits Expansion Act of 2001 (RIN: 2900-AL29) June 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposed (Rept. 108–148) Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 270. Resolution relating to consideration of the Senate amendments to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes (Rept. 108–149). Referred to to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mr. MCINNIS, Mr. GILCHREST, Mr. GEORGE MILLER of California, Ms. LEE, Mr. BEREUTER, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. ENGLISH, Mr. REHBERG, and Mr. UDALL of Colorado):

H.R. 2416. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 2417. A bill to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mrs. MALONEY (for herself, Mr. SHERMAN, Ms. SLAUGHTER, Mr. JACKSON of Illinois, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. BORDALLO, and Mr. PAYNE):

H.R. 2418. A bill to amend the Internal Revenue Code of 1986 to deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. LARSEN of Washington, Mr. KILDEE, Mr. PALLONE, Mr. GEORGE MILLER of California, Mr. FILNER, Ms. LEE, Mr. FROST, Mr. ACEVEDO-VILA, Mr. MCNULTY, Mr. HOLT, Ms. MCCOLLUM, Mr. UDALL of New Mexico, Mr. HONDA, Mr. CARSON of Oklahoma, Mr. CASE, and Mr. GRIJALVA):

H.R. 2419. A bill to protect sacred Native American Federal land from significant damage; to the Committee on Resources.

By Mr. BAKER (for himself, Mr. GILLMOR, Mr. OSE, Mr. SHAYS, Mr. TIBERI, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2420. A bill to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2421. A bill to ensure that State and local law enforcement agencies execute warrants for the arrest of nonviolent offenders only during daylight hours and when children are not present, unless overriding circumstances exist; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 2422. A bill to authorize the Secretary of Housing and Urban Development to guarantee community development loans to the insular areas; to the Committee on Financial Services.

By Mr. CARDIN (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. STARK, and Mr. KLECZKA):

H.R. 2423. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mr. BALLANCE, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COLE, Mr. CONYERS, Mr. DEUTSCH, Mr. ENGEL, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOUGHTON, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Mr. MCNULTY, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. SHIMKUS, Mr. STEARNS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Ms. WATERS, Mr. WYNN, Mr. TOWNS, Ms. CARSON of Indiana, Mr. WATT, Ms. WATSON, Mr. KUCINICH, and Mr. CLYBURN):

H.R. 2424. A bill to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 2425. A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-71, 773-71, 774-71, and 775-71, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Ms. BALDWIN, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CONYERS, Ms. DEGETTE, Mr. DELAHUNT, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. GEPHARDT, Mr. GUTIERREZ, Ms. HARMAN, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. HOYER, Ms. KILPATRICK, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mrs. TAUSCHER, Ms. VELAZQUEZ, Mr. WAXMAN, Mr. WEXLER, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 2426. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTKNECHT (for himself, Mr. JONES of North Carolina, Mr. SHAYS, Mr. JANKLOW, Mr. PETRI, Mr. KINGSTON, Mrs. EMERSON, Mr. BEREUTER, Mr. OSBORNE, Mr. HOEKSTRA, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. PAUL, Mr. DUNCAN, Mrs. NORTHUP, Mr. GILCHREST, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. REHBERG, Mr. ISTOOK, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina):

H.R. 2427. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOEFFEL (for himself, Mr. CAPUANO, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STARK, and Mr. KUCINICH):

H.R. 2428. A bill to provide for congressional review of regulations relating to military tribunals; to the Committee on Armed Services, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. CONYERS, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. FROST, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. CASE, Mr. RYAN of Ohio, Ms. LEE, Ms. KAPTUR, Ms. WOOLSEY, Mr. DOGGETT, Mr. STARK, Mr. KUCINICH, and Mr. HONDA):

H.R. 2429. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. GILCHREST, Mr. GUTKNECHT, Mr. PALLONE, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. REHBERG, Mr. STUPAK, Mr. THOMPSON of California, and Mr. FALEOMAVAEGA):

H.R. 2430. A bill to amend the Fish and Wildlife Coordination Act to coordinate and strengthen scientific research and monitoring, and to promote public outreach, education, and awareness, of Chronic Wasting Disease affecting free-ranging populations of deer and elk, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. GILCHREST, Mr. GUTKNECHT, Mr. PALLONE, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. REHBERG, Mr. STUPAK, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, Ms. BALDWIN, and Mr. PETRI):

H.R. 2431. A bill to establish a National Chronic Wasting Disease Task Force, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. TANNER, Mr. TOM DAVIS of Virginia, Mr. MOORE, Mr. JANKLOW, Mr. MATHESON, and Mr. RYAN of Wisconsin):

H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; to the Committee on Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself and Mr. SIMMONS):

H.R. 2433. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 2434. A bill for the relief of John Castellano; to the Committee on the Judiciary.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BERMAN, Ms. LOFGREN, Mr. STARK, Mr. ROHRABACHER, Mr. FARR, Mr. REYES, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Mr. CASE, Mr. DELAHUNT, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. PASTOR, Mr. OBERSTAR, Mr. PALLONE, Mr. UDALL of Colorado, Mr. SCHIFF, Mr. ORTIZ, Mr. DOOLEY of California, Ms. ESHOO, Mr. LANTOS, Ms. HARMAN, Mr. RODRIGUEZ, Mr. HONDA, Mr. HINCHEY, Mr. GRIJALVA, Mr. COOPER, Ms. WOOLSEY, Ms. WATSON, Mr. FILNER, Ms. BORDALLO, Ms. LEE, Mr. PRICE of North Carolina, Mrs. CAPPS, Mr. MATSUI, Ms. SOLIS, Mr. CONYERS, Mr. CAPUANO, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. WAXMAN, Mrs. DAVIS of California, Mr. BAIRD, Mr. CARDOZA, Mr. SHERMAN, and Ms. PELOSI):

H.R. 2435. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. SCOTT of Virginia, and Mr. SCOTT of Georgia):

H.R. 2436. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. RANGEL, Mr. CARDIN, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. COOPER, Mr. FROST, Ms. LEE, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. SERRANO, and Mr. WEXLER):

H.R. 2437. A bill to provide for grants to State child welfare systems to improve quality standards and outcomes, to increase the match for private agencies receiving training funds under part E of title IV of the Social Security Act, and to authorize the forgiveness of loans made to certain students who become child welfare workers; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of Mississippi (for himself, Mr. THOMPSON of Mississippi, Mr. WICKER, and Mr. PICKERING):

H.R. 2438. A bill to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''; to the Committee on Government Reform.

By Mr. WELDON of Florida:

H.R. 2439. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits and to increase the age at which distributions must commence from certain retirement plans from 70½ to 80; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. RENZI, Mr. COLE, Mr. HUNTER, Mr. MCKEON, Mr. PALLONE, Mr. RAHALL, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. CONYERS, Mr. OBERSTAR, Mr. GRIJALVA, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. HONDA, Mr. CARSON of Oklahoma, Mr. ALLEN, Mr. ABERCROMBIE, Ms. LEE, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Ms. MCCOLLUM, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. KIND, Mr. LANTOS, Mr. INSLEE, Mr. STUPAK, Mr. BACA, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Ms. NORTON):

H.R. 2440. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal health programs for Indians and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. ISSA, and Mr. FRANK of Massachusetts):

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 35 years, to be eligible to hold the offices of President and Vice President; to the Committee on the Judiciary.

By Mr. KNOLLENBERG (for himself and Mr. DINGELL):

H. Con. Res. 215. Concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

81. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No.

36 memorializing the United States Congress to establish a quarantine for the emerald ash borer and provide assistance to help Michigan combat the infestation; to the Committee on Agriculture.

82. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 18 memorializing the United States Congress to take immediate and focused efforts to improve the enforcement of food import restrictions of seafood imports that contain the use of banned antibiotics, especially in foreign imported shrimp; to the Committee on Agriculture.

83. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to urge the Secretary of Agriculture to expeditiously implement and expand cost of production insurance for cotton that is based on a producer's actual production cost history and to implement a cost of production insurance pilot program; to the Committee on Agriculture.

84. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1021 memorializing the United States Congress to declare support for a missle defense system; to the Committee on Armed Services.

85. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 11 memorializing the United States Congress to fund forty percent of the average of the average per special needs pupil expenditure in public elementary and secondary schools in the U.S. as promised under the federal Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

86. Also, a memorial of the Legislature of the State of New Mexico, relative to House Memorial 35 memorializing the United States Congress that the federal energy regulatory commission be request to withdraw its current standard market design for the nation's wholesale electricity markets; to the Committee on Energy and Commerce.

87. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the United States Congress to urge the Secretary of the Interior to expand the money authorized pursuant to the Southern Nevada Public Land Management Act of 1998, Pub. L. 105-263, 112 Stat. 2343; to the Committee on Resources.

88. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 1 memorializing the United States Congress to urge the Secretary of the Interior to amend the regulations set forth in 43 C.F.R. Section 4120.3-9 by deleting the second sentence of that regulation in its entirety; to the Committee on Resources.

89. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 13 memorializing the United States Congress to endorse the western states education initiative to seek just compensation from the federal government on federally owned land and that it urge the federal government to provide an expedited land exchange process for land not in contention for wilderness designation; to the Committee on Resources.

90. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Memorial No. 1002 memorializing the United States Congress to support the Tohono O'odham Nation's citizenship act; to the Committee on the Judiciary.

91. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 117 memorializing the United States Congress to provide an exemption to the Sherman Anti-Trust Act to allow small and medium sized United States based and owned lumber manufactures to sell their products through company-owned retail outlets; to the Committee on the Judiciary.

92. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial No. 2005 memorializing the United States Congress to include Native american governments in the state cemetery grants program; to the Committee on Veterans' Affairs.

93. Also, a memorial of the Legislature of the State of Michigan, relative to House Resolution No. 42 memorializing the United States Congress to enact the President's tax cut proposals; to the Committee on Ways and Means.

94. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 12 memorializing the United States Congress that the Idaho Legislature supports the Healthy Forests Initiative and its individual proposals and that we respectfully request the entire Congress to fully support the Healthy Forests Initiative and its individual proposals; jointly to the Committees on Agriculture and Resources.

95. Also, a memorial of the Legislature of the State of New Mexico, relative to House Memorial 12 memorializing the United States Congress to enact financially sustainable, voluntary and universal prescription drug coverage as part of the federal medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

96. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 10 memorializing the United States Congress to preserve access to backcountry airstrips by introducing into the current 108th Congress Senate Bill No. 681, the Backcountry Landing Strip Access Act from the 107th Congress and its companion legislation House Resolution No. 1363; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. GARY G. MILLER of California and Mr. DAVIS of Alabama.

H.R. 49: Mr. BOUCHER and Mr. GREEN of Wisconsin.

H.R. 141: Mr. COBLE.

H.R. 236: Mr. MENENDEZ, Mr. GONZALEZ, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. EVAN, Mr. DOGGETT, Mr. EDWARDS, Mrs. CAPPS, Mrs. TAUSCHER, Mr. DOOLEY of California, Mr. GORDON, Mr. MCDERMOTT, Mr. SKELTON, Ms. MCCARTHY of Missouri and Mr. CARDIN.

H.R. 303: Mr. MILLER of North Carolina and Mr. MURPHY.

H.R. 331: Mr. ANDREWS.

H.R. 369: Mr. RYAN of Ohio, Mr. TURNER of Ohio, Mr. CAMP, Mrs. JONES of Ohio and Mr. BOEHNER.

H.R. 390: Mr. HONDA.

H.R. 401: Mr. SHERMAN.

H.R. 448: Mr. TAYLOR of Mississippi.

H.R. 502: Mrs. JO ANN DAVIS of Virginia.

H.R. 528: Mr. MCDERMOTT.

H.R. 565: Mr. STUPAK.

H.R. 570: Mr. HASTINGS of Washington.

H.R. 571: Mr. ROSS, Mr. LAHOOD, Mr. NCNULTY, and Mr. KELLER.

H.R. 583: Mr. KOLBE.

H.R. 584: Mr. BOEHLERT.

H.R. 586: Mr. TURNER of Ohio and Mr. WEINER.

H.R. 643: Mr. GONZALEZ and Mr. KUCINICH.

H.R. 655: Mr. KING of Iowa.

H.R. 687: Mr. BUYER, Mr. BILIRAKIS, Mr. SCHROCK, Mr. KLINE, Mr. GRAVES, and Mr. SESSIONS.

H.R. 713: Mr. WALDEN of Oregon.

H.R. 716: Mr. SNYDER, Mr. LATHAM, Mr. MICHAUD, Mr. MEEHAN, Mr. LARSON of ConnecticutMr. OTTER, and Mr. COOPER.

H.R. 728: , Mr. VITTER and Mr. DOOLITTLE.

H.R. 785: Mr. ALEXANDER.

H.R. 811: Mr. BELL.

H.R. 823: Mr. SHERMAN.

H.R. 871: Mr. TIAHRT.

H.R. 890: Mr. HOLDEN and Mr. WYNN.

H.R. 898: Mr. SCHROCK and Mr. WALDEN of Oregon.

H.R. 941: RYAN of Wisconsin.

H.R. 944: Mr. PLATTS.

H.R. 947: Mrs. LOWEY and Mr. FROST.

H.R. 953: Mr. MEEK of Florida.

H.R. 1052: Mr. FARR, Mr. ABERCROMBIE, Mr. CASE, Mr. MENENDEZ, and Mrs. TAUSCHER.

H.R. 1068: Mr. SAXTON, Mr. CRANE, Mr. COSTELLO, Ms. MCCOLLUM, and Ms. WOOLSEY.

H.R. 1078: Mr. ROGERS of Michigan, Mr. CAMP, Mr. SULLIVAN, Mr. MOLLOHAN, Mr. RENZI, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. BRADLEY of New Hampshire, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. JOHN, Mr. HYDE, Mr. BONNER, Mr. ROGERS of Alabama, Mr. CRAMER, Mr. DAVIS of Tennessee, Mr. HONDA, Mr. MCINTYRE, Mr. ALEXANDER, Mr. TANNER, Mrs. EMERSON, Mr. KLECZKA, Mr. TURNER of Texas, Mr. THOMPSON of California, Mr. BOUCHER, Ms. MILLENDER-MCDONALD, Ms. LOFGREN, Mr. ROSS, Mr. BELL, Mr. FROST, Mr. GORDON, Mr. WAMP, Mr. PRICE of North Carolina, Mr. BAKER, Mr. HEFLEY, Mr. BLUMENAUER, Mr. DUNCAN, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mrs. BONO, Mr. PENCE, Mr. SHIMKUS, Mr. THOMAS, Mr. TIAHRT, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. BOOZMAN, Mr. SHUSTER, Ms. HARRIS, Mr. TAYLOR of Mississippi, Mr. SENSENBRENNER, Mr. TERRY, Mr. MURTHA, Ms. HARMAN, Mr. PASTOR, Mr. NETHERCUTT, Mr. PUTNAM, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PEARCE, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. JENKINS, Mrs. KELLY, Mr. COX, Ms. GINNY BROWN-WAITE of Florida, Mr. RYAN of Ohio, Mr. FORD, Mr. FEENEY, Mr. COOPER, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. SANDLIN, and Mr. TANCREDO.

H.R. 1087: Ms. BORDALLO.

H.R. 1110: Mr. GONZALEZ, Mr. LANTOS, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Mr. CRAMER, and Ms. MILLENDER-MCDONALD.

H.R. 1157: Mr. EHLERS.

H.R. 1196: Mr. HOEFFEL.

H.R. 1225: Mr. HULSHOF, Mr. ETHERIDGE.

H.R. 1229: Mr. KLINE.

H.R. 1268: Mr. FROST, Ms. MILLENDER-MCDONALD.

H.R. 1288: Mr. SAXTON, Mr. WATT, Mr. BAKER, Mr. LYNCH, Mr. DAVIS of Florida, Mr. LATHAM, Mr. CLYBURN, and Mr. SHAYS.

H.R. 1310: Mr. TURNER of Texas, Mr. OBERSTAR, Mr. BOSWELL, Mr. BAKER, Mr. ABERCROMBIE, Mr. TAUZIN, Mr. SMITH of Washington, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. SHERWOOD, and Mr. ALEXANDER.

H.R. 1360: Mr. PAUL.

H.R. 1429: Mr. MCDERMOTT.

H.R. 1430: Mr. LYNCH, Mr. UDALL of Colorado.

H.R. 1442: Mr. GREEN of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. MILLER of Florida.

H.R. 1472: Mr. ENGEL, Ms. PRYCE of Ohio, Mr. WEXLER, Mr. LYNCH, MS. KILPATRICK, Mr. BURNS, Mr. SCHIFF, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mrs. BONO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. OWENS, Ms. MCCOLLUM, Ms. MCCARTHY of Missouri, Ms. VELAZQUEZ, Mr.

CUMMINGS, MRS. MALONEY, Mr. CARDIN, Mr. VAN HOLLEN, Ms. SOLIS, Mr. RODRIGUEZ, Mr. DOOLEY of California, Mr. HINOJOSA, Mr. PAYNE, Mr. WATT, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Mr. BISHOP of New York, Mr. BELL, Mr. FATTAH, Ms. MILLENDER-MCDONALD, and Mr. MATSUI.

H.R. 1479: Mr. ISRAEL.

H.R. 1482: Mr. WEXLER, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, and Ms. CORRINE BROWN of Florida.

H.R. 1499: Mr. GRIJALVA.

H.R. 1515: Mr. KING of Iowa.

H.R. 1522: Mrs. MALONEY and Mr. PAUL.

H.R. 1539: Mr. ALEXANDER.

H.R. 1615: Ms. SLAUGHTER and Mr. WEXLER.

H.R. 1626: Mr. WELDON of Florida.

H.R. 1643: Mr. GREEN of Wisconsin, Mr. DOYLE, and Mr. ALEXANDER.

H.R. 1660: Mr. BRADY of Texas, Mr. KINGSTON, Mr. SHAW, and Mr. HEFLEY.

H.R. 1675: Ms. SLAUGHTER and Mr. NUSSLE.

H.R. 1710: Mr. WELLER.

H.R. 1722: Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, and Mr. CASE.

H.R. 1727: Mr. ENGLISH.

H.R. 1767: Mr. LINDER and Mr. TERRY.

H.R. 1771: Mr. GRIJALVA.

H.R. 1795: Mr. ALEXANDER.

H.R. 1819: Mr. RUSH.

H.R. 1828: Mr. INSLEE, Mr. JEFFERSON, Mr. JOHN, Mr. RODRIGUEZ, Mr. STRICKLAND, Mr. BACA, Mr. EVANS, Ms. HARMAN, Mr. KELLER, Mr. POMBO, Mr. SESSIONS, Mr. SIMMONS, Mr. BONNER, Mr. SULLIVAN, Mr. MCCRERY, Mr. PUTNAM, Mr. RAMSTAD, Mr. UPTON, Mr. FOSSELLA, Mr. CRENSHAW, Mr. STEARNS, Mr. TERRY, and Mr. SHIMKUS.

H.R. 1859: Mr. GREEN of Wisconsin.

H.R. 1868: Mr. HINOJOSA and Mr. GRIJALVA.

H.R. 1874: Mr. LYNCH, Mr. GREEN of Texas, and Mr. FROST.

H.R. 1889: Mrs. CAPPS and Mr. KUCINICH.

H.R. 1914: Mr. KLINE.

H.R. 1915: Mr. CROWLEY.

H.R. 1943: Ms. JACKSON-LEE of Texas, Mr. PETERSON of Pennsylvania, and Mr. KING of Iowa.

H.R. 1956: Mr. DEUTSCH.

H.R. 1981: Mr. NADLER.

H.R. 1991: Mr. FROST.

H.R. 1995: Mr. FRANK of Massachusetts.

H.R. 1999: Ms. WATSON.

H.R. 2022: Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. MILLER of Florida, and Mr. ETHERIDGE.

H.R. 2028: Mr. KOLBE, Mr. HENSARLING, and Mr. NETHERCUTT.

H.R. 2034: Mr. TOOMEY.

H.R. 2075: Mr. WEXLER, Mr. YOUNG of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2085: Mr. FARR.

H.R. 2114: Mr. BARTON of Texas and Mr. BEAUPREZ.

H.R. 2130: Mr. MENENDEZ, and Mr. LOBIONDO.

H.R. 2134: Mr. HOYER and Ms. LOFGREN.

H.R. 2172: Mrs. MYRICK.

H.R. 2173: Mr. FROST, Mr. PAYNE, and Mr. CAPUANO.

H.R. 2180: Mr. BAIRD.

H.R. 2181: Ms. BALDWIN, Mr. BOEHNER, Mr. DUNCAN, Mr. HOSTETTLER, and Mr. SOUDER.

H.R. 2205: Mr. BURNS, Mr. TAUZIN, Mr. PITTS, and Mr. ETHERIDGE.

H.R. 2224: Mr. WILSON of South Carolina, Mr. MCNULTY, and Mr. TERRY.

H.R. 2232: Mr. BOOZMAN, Mr. JEFFERSON, Mr. DOOLITTLE, Mr. MOORE, Mr. GUTKNECHT, Ms. MCCARTHY of Missouri, Mr. SANDLIN, Mr. PITTS, and Mr. BACHUS.

H.R. 2242: Mr. ROGERS of Michigan.

H.R. 2249: Mr. ALLEN, Mr. PAUL, Mr. MICHAUD, Mr. EVANS, Mr. GREEN of Wisconsin, and Mr. HINCHEY.

H.R. 2264: Mr. ROGERS of Kentucky, Mr. GRIJALVA, Mr. HINCHEY, Mr. ABERCROMBIE, Ms. MCCOLLUM, Mr. TANNER, Mr. BAIRD, Mr. WELDON of Florida, Ms. MCCARTHY of Missouri, and Mr. CARDOZA.

H.R. 2265: Mrs. BLACKBURN, Mr. CAMP, and Mr. HULSHOF.

H.R. 2291: Mr. KUCINICH and Ms. BERKLEY.

H.R. 2325: Mr. SHERMAN.

H.R. 2330: Ms. WOOLSEY, Ms. BALDWIN, and Mr. STARK.

H.R. 2333: Mr. NUSSLE and Mr. NETHERCUTT.

H.R. 2351: Mr. UPTON, Mr. PORTMAN, and Mr. KENNEDY of Minnesota.

H.R. 2377: Mr. FROST.

H.R. 2379: Mr. PORTER.

H.R. 2404: Ms. JACKSON-LEE of Texas and Mr. BERMAN.

H. Con. Res. 37: Mr. HOLDEN.

H. Con. Res. 87: Mr. CROWLEY.

H. Con. Res. 134: Mr. GREEN of Wisconsin and Mr. MEEKS of New York.

H. Con. Res. 152: Mr. DAVIS of Florida.

H. Con. Res. 169: Mr. DELAHUNT.

H. Con. Res. 200: Mr. KUCINICH.

H. Con. Res. 209: Mr. LANTOS, Mrs. JO ANN DAVIS of Virginia, Mr. GALLEGLY, Ms. KAPTUR, Mr. OLVER, Mr. CROWLEY, Mr. JANKLOW, Mr. MCCOTTER, Mr. BERMAN, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. WICKER, and Ms. ROS-LEHTINEN.

H. Con. Res. 213: Ms. WATSON and Mr. BELL.

H. Res. 38: Mr. KUCINICH.

H. Res. 49: Mr. BURGESS.

H. Res. 58: Mr. ACKERMAN, Mr. MENENDEZ, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mr. FATTAH, Mr. CARDIN, Mr. PRICE of North Carolina, Ms. LOFGREN, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. KUCINICH, Mr. BERRY, Mr. HOLT, Ms. BALDWIN, Ms. WATSON, and Mr. ENGEL.

H. Res. 194: Mr. EVANS, Mr. TANCREDO, and Mr. MCNULTY.

H. Res. 198: Mr. RYUN of Kansas, Mr. TERRY, and Mr. BALLENGER.

H. Res. 199: Mr. WAXMAN, Mr. EVANS, Mr. LARSEN of Washington, Mr. MORAN of Virginia, and Mr. ACKERMAN.

H. Res. 237: Mr. HASTINGS of Florida.

H. Res. 242: Mr. MARIO DIAZ-BALART of Florida and Mr. HAYWORTH.

H. Res. 246: Mr. GRIJALVA.

H. Res. 259: Ms. WOOLSEY and Mr. NADLER.

H. Res. 262: Mr. BELL, Mr. BAKER, Mr. MCNULTY, and Mrs. BIGGERT.

H. Res. 264: Mr. TANCREDO, Mr. TIAHRT, Ms. LEE, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. SMITH of Washington, Mr. CROWLEY, Mr. SCHIFF, and Mr. BLUMENAUER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Ms. EDDIE BERNICE JOHNSON of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1308

OFFERED BY: MR. KING

At an appropriate place insert the following:

AMENDMENT NO. 1:

SEC. ___. INCREASE IN HISTORIC REHABILITATION CREDIT FOR CERTAIN LOW-INCOME HOUSING FOR THE ELDERLY.

(a) IN GENERAL.—Section 47 (relating to rehabilitation credit) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE REGARDING CERTAIN HISTORIC STRUCTURES.—In the case of any qualified rehabilitation expenditure with respect to any certified historic structure—

''(1) which is placed in service after the date of the enactment of this subsection,

''(2) which is part of a qualified low-income building with respect to which a credit under section 42 is allowed, and

''(3) substantially all of the residential rental units of which are used for tenants who have attained the age of 65, subsection (a)(2) shall be applied by substituting '25 percent' for '20 percent'.''.

(b) APPLICATION OF MACRS.—The Internal Revenue Code of 1986 shall be applied and administered as if paragraph (4)(X) of section 251(d) of the Tax Reform Act of 1986 as applied to the amendments made by section 201 of such Act had not been enacted with respect to any property described in such paragraph and placed in service after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.