

needed to point to the obvious need for the People's Republic of China to back off.

Yet I cannot vote against the Taiwan resolution, because like most of the Congress I, too, am disturbed at the aggressive behavior flagrantly exhibited by the People's Republic of China. It is not a normal reaction to the first Presidential election going on in Taiwan. In fact, it assured the overwhelming election of President Lee. It probably is more related to the power struggle going on in the People's Republic of China over who is to succeed Deng Xiao-Ping. We know that the various factions are positioning themselves to succeed him. A statement that the United States is a friend of Taiwan was probably important to reiterate. However, to go further and threaten the use of our military I believe was going too far.

Further, I believe that the President of the United States is in charge of the foreign policy of the United States and is also the Commander in Chief of our military forces. President Clinton had already ordered our ships to the Straits of Taiwan to observe the tactical exercises to make sure that it did not invade Taiwan's territorial integrity.

For these reasons I decided to vote "present" to respect the President's appropriate exercise of authority over this episode. My vote of "present" was cast to indicate that I had confidence in the President to serve the interests of all Americans in this matter at this time.

In the future if it ever becomes necessary to consider a resolution of war against the People's Republic of China I want to be free to determine at that time whether or not to support such a step.

I believe that those who voted for this resolution could be said to have already made their decision to go to war.

I want to reserve that decision to a later time and hope that that time will never come.

AVIATION TAX SCHEDULE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. LIGHTFOOT. Mr. Speaker, the administration has proposed as part of its fiscal year 1997 budget request that Congress give the Federal Aviation Administration [FAA] the unlimited authority to establish and raise new aviation taxes. Under the administration proposal, the FAA could establish and implement those new taxes not later than 60 days after enactment. Following my statement is the aviation tax schedule developed by FAA in support of its budget request. Space limitations prevent us from adding the complete document into the RECORD today. However, the full FAA document is readily available from my office.

This new aviation tax schedule is clearly a case of the "devil is in the details." The administration, in its publication "FAA fiscal year 1997 Budget in Brief," attempts to portray

these aviation taxes as limited to \$150 million. However, the legislative language submitted to Congress, coupled with the information I am sharing with this House today, tells another story.

The legislative language submitted to Congress does not actually limit the amount collected in aviation taxes, it merely limits the amount available for obligation in fiscal year 1997 to \$150 million. As we see in the attached aviation tax schedule entitled, "Illustrative User Fees and Aviation Regulation and Certification," the administration clearly has bigger things in mind. This aviation tax plan could raise as much as \$345 million in fiscal year 1997. Who knows what designs the administration would have on the almost \$200 million in unobligated new tax funds the FAA could collect in fiscal year 1997.

At this point let me briefly highlight a few of Secretary Pena's proposed new aviation taxes.

At least \$122 million could come from the airlines in the form of aircraft registration fees, air operator certificate fees and manufacturers certification fees. An additional \$57 million could come from general aviation in the form of new license and medical certification fees. I am sure other parts of the aviation community will be interested to see what the administration believes should be their share of the new aviation taxes.

Mr. Speaker, this proposal is even worse than the original McCain-Pena proposal, S. 1239, because under this new administration proposal Congress would not have the opportunity to review any new aviation taxes before they were implemented. I hope Members of the other body who have supported S. 1239 will take a long, hard look at the administration's proposed aviation tax structure, because this is the future of aviation. This is what the administration would propose if Congress were to ever approve the McCain-Pena bill.

This administration's creation of a phony aviation funding crisis demonstrates that it does not believe itself capable of, nor is it even willing to attempt, to live within the confines of a balanced Federal budget.

We see today what the administration passes off as its vision of the future of aviation; not a modern, leaner, more efficient FAA—but new taxes to paper over the problems of an old, inefficient organization—in other words—business as usual.

It's interesting to note, Mr. Speaker, the administration continues to resist FAA reform. Two weeks ago the House passed the Duncan-Lightfoot FAA reform legislation. The Secretary of Transportation threatens a presidential veto of our FAA reform legislation. In fact, earlier this year the Appropriations Committee had to direct the FAA to develop and implement a plan to reform its personnel and procurement procedures.

Mr. Speaker, this plan for new aviation taxes goes to the heart of what the General Accounting Office has reported to us about the FAA. There is an organizational culture problem at FAA that I believe can only be fixed with continued congressional insistence on personnel reform, procurement reform and, of

course, the restoration of FAA to independent agency status.

I think it is vital the Congress, the aviation community and the traveling public, which will ultimately pay these new taxes, have the opportunity to see the fine print whenever this administration proposes new aviation taxes. You can be sure this misguided tax proposal will face serious congressional scrutiny, particularly from the House Transportation Appropriations Subcommittee.

ILLUSTRATIVE USER FEES FOR AVIATION REGULATION AND CERTIFICATION

Presently the FAA charges fees for foreign repair stations and fees to recover the costs of the Civil Aviation Registry for processing and issuing aircraft registration certificates, dealers' aircraft certificates, and special registration numbers. Registry fees are nominal, for example, registering an aircraft is a one-time fee of \$5 and there is no charge for airmen certification. Proposed new fees and increases in existing fees which were authorized by the Drug Enforcement Assistance Act of 1988 and which will take effect in 1997 still will not recover indirect overhead costs, nor will they compensate for FAA's costs to actually certify and license aircraft, airmen, air operations, or air agencies. A list of the types of Registry fees, how much is now charged and how much will be charged beginning in 1997, is shown in Exhibit No. 1, "Civil Aviation Registry" on the next page.

The User Fee Task Group studies a number of possible certification and licensing fees, which are listed below. A brief description of each fee is provided in Appendix No. 2, "Synopsis of Illustrative User Fees—Certification, Regulation, and Licensing." More detailed narratives on each fee are available.

[In millions of dollars]

Illustrative fee:	Projected annual revenue
Aircraft Certification: Designee Appointments and Renewals	6.0
Aircraft Certification: Design Certification, Production Approval, and Airworthiness Certification	10.0
Aircraft Registration Fee	250.0
Airmen Certification/Registration (including Medical Certification)	56.5
Certification of Air Operators and Air Agencies	11.6
Civil Aviation Registry	11.0
Total Projected Annual Revenue	345.1
AIRCRAFT CERTIFICATION; DESIGNEE APPOINTMENTS AND RENEWALS	

The FAA interviews and reviews the credentials and training of individuals who seek appointments as engineering, airworthiness, or inspection representatives. These individuals benefit economically as designees of the FAA. Therefore, a \$1,000 fee for initial appointments and annual renewals would not seem unreasonable and would probably add an element of efficiency, as those designees who conduct certifications infrequently would opt not to be appointed, thereby reducing FAA's workload. Conversely, caution should be exercised to not charge too high a fee, as this might decrease the number of designees and also increase the FAA's workload.

EXHIBIT NO. 1.—CIVIL AVIATION REGISTRY IMPACT OF FULL COST RECOVERY

[In thousands of dollars]

	Current fee	Estimated annual collection	Proposed fee	Estimated annual collection	Required cost recovery fee	Estimated annual collection
Aircraft Registration Certificate (Non-Transport) ¹	5.00	210.0	32.00	1,344.0	45.03	1,891.4
Aircraft Registration Certificate (Transport) ¹	5.00	11.0	17.00	37.4	45.03	99.1
Aircraft Reregistration Certificate ²	0	0	17.00	408.0	45.03	1,080.8
Airmen Certificate—New/Additional Ratings	0	0	14.00	2,240.0	18.21	2,913.8
Dealer's Aircraft Certificate—Original ³	10.00	13.0	22.00	28.6	27.90	36.3
Dealer's Aircraft Certificate—Additional	2.00	6.4	7.00	22.4	27.90	89.3
Duplicate Aircraft Registration	2.00	6.0	7.00	21.0	44.89	134.7
Duplicate Airmen Certificate	2.00	90.0	7.00	315.0	23.85	1,073.4
Pilot Certificate—Reissued/Renewal ⁴	0	0	14.00	980.0	23.85	1,669.8
Record Security Aircraft Parts Locations Engines & Props ⁵	5.00	129.0	17.00	436.6	26.90	694.0
Record Security Interest ⁵	5.00	150.0	17.00	510.0	26.90	807.0
Renewed Special Registration Number	10.00	40.0	28.00	112.0	34.68	138.7
Special Registration Number	10.00	100.0	30.00	300.0	37.16	371.6
Total		755.4		6,757.0		11,000.0

Requiring Operating Funds, \$11.0M.

¹ This is the cost for the original aircraft registration.² This is the cost for the renewal of aircraft registration which must occur every TEN years.³ These are currently renewed on an annual basis and will continue to be done that way.⁴ This will be for the ID portion of pilots certificates which will need to be renewed every TEN years.⁵ The collections for these fees currently goes to the General Fund, not the Registry.

FAA designates about 6,000 medical doctors, Airmen Medical Examiners (AME's), to perform medical examinations to certify the health of airmen. Typically, exams cost about \$50-\$75, and on average, AMEs conduct 50-100 exams a year. Few AMEs make a living from these exams and few would find it worthwhile to continue their designations if a fee were to be charged. Although not yet instituted, AMEs are to be charged \$200 to attend FAA mandated training.

AIRCRAFT CERTIFICATION: DESIGN CERTIFICATION, PRODUCTION APPROVALS, & AIRWORTHINESS CERTIFICATION

FAA engineers conduct extensive analyses, inspections, and ground or flight tests to certify that an aircraft, engine, propeller, or aircraft part complies with design standards. FAA also approves manufacturers' request to produce and sell aircraft replacement parts. Fees could be charged for the initial certifications and for periodic renewals. While \$10 million in annual revenue is projected for this user fee, much work needs to be done to fine tune this forecast, and to determine what types, and the amounts, of fees that could be charged.

AIRCRAFT REGISTRATION FEE

Presently, registering an aircraft is a one-time charge of \$5. Under current legislation this will increase to an initial registration fee of \$17 for commercial airlines and some business jets, and \$32 for all other aircraft. Every ten years there will be a renewal registration fee of \$17. The proposed illustrative aircraft fee, comparable to an automobile registration fee, could convert this fee to an annual fee with an option to pay several years in advance, and possible levels of charges could be the following:

Type of aircraft	Number in fleet ¹	Illustrative fees	Annual revenue (thousands)
Single Engine Pistons	123,600	\$100	\$12,360
Multi-engine Pistons	15,800	1,000	15,800
Turboprops	4,900	9,000	44,100
Turboprops	4,400	18,000	79,200
Piston Helicopters	1,500	500	750
Turbine Helicopters	3,200	1,500	4,800
Subtotal	153,400		157,010
Large Jet Aircraft	4,725	20,000	94,500
Total	158,125		251,510

¹ Based on 1997 forecast.

Note: It is important to bear in mind that these fees would be instituted in lieu of, not in addition to, the existing aviation taxes.

AIRMEN CERTIFICATION REGISTRATION AND AIRMEN MEDICAL CERTIFICATION

FAA certifies that airmen (e.g., flight engineers, pilots, mechanics) meet certain quali-

fications/requirements, for example, that pilots have flown a minimum number of hours. FAA assesses charges for certifying foreign airmen, but does not now assess a fee for domestic certifications. Fees could be established, comparable to those charged for foreign certifications, ranging from \$250 to \$400. Once certified, airmen could be charged an annual registration fee, like an individual's automotive driver's license. Annual fees might be the following:

Airmen	\$15 annual fee	\$20 annual fee	\$25 annual fee
Student Pilots	X		
Private Pilots	X		
Mechanics	X		
Flight Navigators	X		
Parachute Riggers	X		
Dispatchers	X		
Commercial Pilots		X	
Flight Engineers		X	
Flight/Ground Instructors		X	
Airline Transport Pilots			X

A user fee is proposed to charge pilots to recover the costs to administer the Medical Certification and Airmen Medical Examiners Programs. To do so, the following fees might be assessed:

Certificate	No of certificates ¹	Possible fee	Projected revenue
1st Class Medical Certificate (commercial pilots; examined every six months)	170,000	\$30	\$5,100,000
2nd Class Medical Certificate (annual examination)	115,000	25	2,875,000
3rd Class Medical Certificate (private pilots examined every two years)	170,000	15	2,550,000
Total	455,000		10,525,000

¹ The number of certificates will decrease in the future when recreational pilots are not required to take a medical examination, but are able to self-certify that they are medically qualified to fly.

To simplify the administrative processing and to make it easier for airmen to pay, rather than charge a separate medical certification fee and a separate airmen registration fee, these charges should be combined into a single fee.

CERTIFICATION OF AIR OPERATORS AND AIR AGENCIES

Individuals and companies who wish to provide aviation services to the public must be certified by FAA that they meet certain requirements. These are mandated by law and include requirements relating to airplane performance, airworthiness, training programs, operating manuals, and crew member qualifications. Except for the certification of foreign repair stations, FAA does not charge for the time and resources

expended in granting a certificate. Fees could be charged to cover the cost of the initial certification and annual renewals. Air operators include large airlines, commuter and small charter airlines, foreign airlines, external load operators, and agricultural operators. Air agencies include repair stations, pilot training schools, and maintenance schools.

An initial certification charge would be a flat rate determined by a formula using historical data. For example, to certify a large airline, FAA could charge \$202,000, which is based on an average of 2000 inspector hours at a rate of \$101 per hour. Annual renewal fees could be a rate based on the complexity of the review.

INTERNATIONAL COMPARISONS

User fees for certification and regulation are not without precedence. A review of fees charged by Australia, United Kingdom, Canada, and Japan, showed that all four countries charged fees for an air operator certificate, pilots' and other airmen's licensing, and certificates of airworthiness. See exhibit No. 2, "Certification and Regulation Fees—International Comparisons." Fee schedules for each country can be provided. Generally, Canada's certification and regulation fees, like the United States' at this time, are nominal, and do not capture the costs of providing the services. About 20%-30% of Canada's regulatory function is funded by user fees, and 70%-80% is subsidized by general taxpayers.

In almost all instances, instituting the illustrative certification and regulation fees would require new or revised authorizing legislation and an accelerated rulemaking process. S. 1239, "Air Traffic Management System Performance Act of 1995," a bill submitted by the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Aviation, would allow the establishment of fees for safety, certification, security, training, inspection, and other activities. In addition, the bill mandates that the fees go into effect 45 days after submission to Congress. This is important since historically our experience has shown that it takes an average 2.4 years to go through the usual rulemaking process.

In an environment where users would be charged for services, fees for certification and licensing make sense, despite vehement opposition by those who would be charged. For a number of reasons, however, collection of these fees, while not impossible, would probably be difficult in FY 1996.

EXHIBIT NO. 2—CERTIFICATION AND REGULATION FEES INTERNATIONAL COMPARISONS

User Fee	Australia	United Kingdom ¹	Canada ²	Japan	United States
Air Operators Certificate	Yes	Yes	Yes	Yes	No.
Pilot License	Yes	Yes	Yes	Yes	1997.
Licensing for Airmen Other Than Pilots	Yes	Yes	Yes	Yes	1997.
Airmen Medical Certification .....	.....	Yes	Yes	Yes	No.
Other Designees (airworthiness representatives, manufacturing inspection representatives)	Yes	.....	No	.....	No.
Certificate of Airworthiness	Yes	Yes	Yes	Yes	No.
Certificate of Airworthiness Renewal	Yes	Yes	No	Yes	No.
Noise Type .....	.....	Yes	No	Yes	No.
Noise Type Renewal .....	.....	.....	No	Yes	No.
Type Certificate	Yes	Yes	Yes	Yes	No.
Aircraft Registration .....	.....	.....	Yes	Yes	Yes.
Simulator Certificate (Annual and Renewal) .....	.....	Yes	No	.....	No.

¹ Other fees charged include: aircraft engine emissions; air traffic controllers' license (Canada also charges this fee); flying exhibit fees where more than 500 people are likely to attend.

² Generally these charges do not reflect costs of providing service. About 70–80% of Canada's regulatory function is subsidized by general taxpayers, and 20–30% is funded by user fees.

Note: Australian fees in effect on 7/90. Civil Aviation Authority (United Kingdom) fees in effect on 4/95 (rates are updated annually). Canadian fees effective as of 8/95. Japan's user fees in effect on 10/95.

As shown in the very first chart, the total projected revenue from certification, regulation, and licensing user fees is \$345.1 million. This compares with the allocated cost¹ for Aviation Regulation & Certification of \$658.6 million, resulting in a shortfall of \$313.5 million. (See Appendix No. 2, "Comparison of Costs and Revenues by Activity.") While the precise amount of the deficit can be adjusted, e.g., adjust aircraft registration fee, reexamine aircraft certification revenue projection, or institute additional fees, the bottom line is that there is a sizable deficit between revenue from user fees and the costs of providing certification and regulation services.

CONGRESS MUST ACT CAREFULLY WHEN REGULATING SECOND AMENDMENT RIGHTS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. GUNDERSON. Mr. Speaker, the debate about guns is as old as these United States of America. The American Revolution was about tyranny of the few over the many; and the power to control the masses included the ability to control firearms. As a result, our Founding Fathers believed it essential to guarantee the right to bear arms as a way to prevent history from repeating itself.

Throughout the ensuing 220 years, the second amendment has served us well—for food, for defense, and for sport. Guns were necessary to secure food and for protection as families settled our country during the early years of the country. Gun skills were vital to life then, remained important through two World Wars, and are still important today, especially to those outdoors enthusiasts in Wisconsin. There are many gun clubs in western Wisconsin, where young and old alike practice against targets and clay pigeons. Our hunters enjoy the sport and challenge of trying to bag a buck or a bird. We must ensure that their enjoyment can continue.

Yet everyone should recognize that the second amendment right to bear arms is not absolute. Congress has the ability to regulate the use of firearms where necessary. For example, over 60 years ago, Congress prohibited automatic weapons—machine guns—because allowing the sale of these weapons was contrary to the public interest. Today, we need to confront another growing problem—incidences of random gun violence by individuals and excessive drug-induced violence. This violence often pits our law enforcement personnel against criminals with greater firepower.

I believe that some firearms can be regulated by Congress without violating our second amendment rights. Just as a person cannot abuse his free speech rights by yelling fire in a crowded theater, there are reasonable limits that Congress may need to place on certain firearms. The issues are what firearms Congress regulates and how the regulation is conducted.

Today, we confront that issue as the House of Representatives again considers the assault weapons ban. Once again, both supporters and opponents have made their views known with emotional fervor. Both sides approach this debate with important and valid concerns. To many, the issue is the basic guaranty to bear arms provided in the second amendment to the Constitution. To others, the issue is a question of how to protect against mass killings all over the country, in both urban and rural areas.

When the House considered the assault ban in 1994, I noted that the real issue was not whether Congress could ban a short, designated list of firearms. Rather, the issue was whether, in addition to a short list, the people wanted to entrust the Federal bureaucracy with the power to decide which firearms were copies or duplicates of the firearms banned in the law or that met the additional banned firearm criteria. Supporters claimed that language prohibiting copies or duplicates is necessary to be effective and that the additional banned modifications are narrowly tailored. Opponents disagreed, noting that the effect would likely be to ban dozens of weapons. By a narrow vote of 216 to 214, the House decided that the Bureau of Alcohol, Tobacco and Firearms [BATF] should have that power.

In my opinion, the existing assault weapons law leaves excessive discretion to the Bureau of Alcohol, Tobacco and Firearms to determine when modified firearms should be banned. I believe then, as I believe now, that providing such wide latitude is wrong and that Congress must be more specific if it is to act at all.

As a result, I will vote to repeal the assault weapons ban. I sincerely believe that Congress must act very carefully when curtailing constitutionally protected rights, and it must fully disclose the effects of the legislation it passes to regulate those rights. The House did neither when it passed the assault weapons ban in 1994.

H.R. 2202, IMMIGRATION REFORM

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Ms. WATERS. Mr. Speaker, I was unable to be present for the floor debate on immigration reform due to business in my district. However, I would like to submit my views on H.R. 2202 for the RECORD.

As a Californian, I am well aware of many of the problems and economic strains associated with illegal immigration. However, we must not deter people, many who come here seeking freedom and opportunity, and many who have become productive citizens, from legally entering the United States. Many legal immigrants come to this country with a desire to work. Our challenge is to manage that flow rationally.

H.R. 2202 is an extreme measure that not only attempts to stop illegals from crossing our borders—often in unworkable and repressive ways—but also limits many of our family members such as sisters, brothers, parents, and adult children from joining us in America. This bill actually punishes legal residents and citizens by unreasonably restricting family reunification visas. It denies adult children and siblings of citizens and legal residents—many who have waited years to enter the United States—the chance to reunite with their families in America. This change in law would unfairly punish families that depend on their loved ones, not the Government, for support.

This bill also imposes annual refugee caps, limiting the number of eligible refugee applications to 50,000 per year—that's almost half of the current number. These people may be terrorized by their government, and have no other recourse than to flee their nation. Under this legislation, refugees could be turned away if the immigration quota of 50,000 for that year has been filled. This is a disgrace for a nation with a solid tradition of immigration, and a history of being a refuge for those who flee terror and deprivation.

I am disillusioned that some of my colleagues seek to make this bad bill worse by amending it to deny children an education, simply because they happen to be born to undocumented parents. Such a move would only further hurt an already disadvantaged child. It is absolutely cruel to punish innocent children for their parents' decisions.

This provision would also take a financial toll. In Los Angeles County alone—my home, and the home to nearly 30 percent of California's public school population of almost 1.5 million—the administrative costs for verification