

The legislation also sets up a process to ensure that any recovered airport revenue is returned to the airport from which funds were illegally diverted. In addition, the legislation protects whistleblowers and establishes a means for them to receive payment when it is determined that an airport sponsor has illegally diverted airport revenue. Finally, to ensure that all airports are treated equally, this bill would eliminate 10 years from the date of enactment, the grandfather provisions that currently permit revenue diversion at some airports.

Mr. President, this bill is intended to send the strong message that no one can get away with ignoring Federal laws prohibiting airport revenue diversion. It is not directed at activity relating to any specific airport, but instead attempts to create a clear and fair means of ensuring that airport money is spent on airport purposes only. I am confident that this legislation will reverse the alarming trend of illegal airport revenue diversion.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

AIRPORT REVENUE PROTECTION ACT OF 1996—  
SUMMARY OF LEGISLATION  
PURPOSES

This legislation is intended to reverse the alarming trend of illegal diversion of airport revenues, and ensure that airport revenues are used only for airport capital and operating costs. Congress has long believed that airport users should not be burdened with any type of hidden taxation for local services. This bill would leave no doubt that airport sponsors, such as city and county governments, cannot put their local budgetary burdens on airport users.

In specific, the legislation bolsters efforts to stop revenue diversion by expanding the prohibition on revenue diversion to cover more instances of diversion. It also would establish clear penalties and stronger mechanisms to enforce federal laws prohibiting revenue diversion. In addition, the bill imposes additional reporting requirements so that illegal revenue diversion can be easily identified and verified. Finally, it would provide important protections for whistleblowers.

SPECIFIC PROVISIONS

*Restriction on use of airport revenues (Sec. 4)*

This bill would expand the prohibition on use of airport revenues beyond project grant recipients to cover local taxes on aviation fuel and revenues at airports that receive any form of federal assistance or operate under a federal-issued airport operating certificate. Certain airports would be permitted to divert revenue, however, under "grandfather" provisions in the bill similar to provisions in existing law. The bill does not affect airports that have been grandfathered in existing law. Under current law, recipients of federal airport grants must provide assurances that airport revenues will not be diverted for non-airport purposes.

*Audits of airport funding activities (Sec. 5)*

In the bill, this review would provide assurances that any funds transferred to airport sponsors (such as local governments) were not illegally diverted. The DOT Inspector General would certify that the review

meets the requirements of this section. Current law requires recipients of airport project grants to conduct annual audits. This bill would require DOT, acting through the FAA, to promulgate regulations requiring grant recipients, as part of these annual audits, to provide a review and opinion concerning airport funding activities.

*Recovery of Illegally Diverted Funds (Secs. 5, 8)*

**Administrative action:** Within 180 days after an audit or any other report identifying an illegal diversion of airport revenues is issued, DOT/FAA, would: (1) make a final determination whether the illegal diversion occurred; (2) provide written notice to the airport and sponsor of that termination and the sponsor's obligation to reimburse the airport; (3) assess an administrative penalty against the airport sponsor in an amount equal to the amount illegally diverted plus interest, or withhold this same amount from federal funds intended for that airport sponsor.

**Civil action:** If, within 180 days from the date when the airport and sponsor are notified of DOT/FAA's determination of illegal revenue diversion, the sponsor does not pay the administrative penalty and interest, DOT/FAA must initiate a civil action to recover the illegally diverted funds. A private citizen also may bring a civil action (i.e., a *qui tam* action) for such violations of revenue diversion laws.

**Statute of Limitations:** The bill establishes a 6-year statute of limitations for any action to recover illegally diverted airport funds. In specific, this provision requires an airport or any other person to bring an action to recover illegally diverted funds within 6 years from the date that the diversion took place. Thus, the bill precludes any effort by an airport sponsor to recover illegally diverted airport funds more than 6 years after it occurs.

**Reimbursement of Diverted Funds to Airport:** The bill sets up a process to ensure that any recovered airport funds are returned to the airport from which the funds were illegally diverted. The illegally diverted funds would first have to be reimbursed to DOT/FAA by the sponsor. The funds would be placed in the Airport and Airway Trust Fund. DOT/FAA must then, as soon as practicable, reimburse the airport from which the revenue was illegally diverted, in an amount equal to that collected from the sponsor, including interest paid.

*Valid Payment by Airport to Airport Sponsor (Sec. 5)*

If DOT/FAA determines, during an audit or other review, that an airport owes funds to an airport sponsor, interest should be assessed on that amount from the date of DOT/FAA's determination. Any request by an airport sponsor for reimbursement of funds from an airport must be made within 6 years from the date the expense is incurred. An airport sponsor (such as a local government), therefore, could not seek to recover funds from an airport for an expense (such as police and fire services) dating back more than 6 years.

*Revision of DOT/FAA Revenue Diversion Policies and Procedures (Sec. 5)*

Within 90 days after enactment, DOT/FAA must revise its policies and procedures ensuring enforcement against illegal diversion of airport revenue, to take into account changes from this legislation.

*Elimination of "Grandfather" Provisions (Sec. 6)*

This bill would prohibit diversion from an airport covered by the grandfather provision when either: (1) the debt obligations are retired or refinanced, or (2) 10 years after enactment of this legislation, whichever is earlier. To ensure that all airports are covered

by the same prohibitions on revenue diversion, this legislation would eliminate "grandfather" provisions in existing law that permit some airport sponsors to divert revenue. Currently, an airport sponsor can legally divert revenue if such diversion was specifically permitted before September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued by that date.

*Elimination of Provisions Relating to Hawaii (Sec. 6)*

Specifically, this legislation would prohibit diversion from an airport in Hawaii covered by current exemptions when either: (1) the debt obligations are retired or financed, or (2) 10 years after enactment of this measure, whichever is earlier. Current law provides several exemptions permitting legal use in Hawaii of airport revenues for certain non-airport purposes. Similar to the elimination of "grandfather" provisions, this bill also would eliminate provisions in current law that accord special treatment to airport sponsors in Hawaii.

*Whistleblower Protection (Sec. 7)*

**Petition Process:** Within 180 days after enactment of this legislation, DOT/FAA must establish a process enabling private citizens (or other parties, but not DOT/FAA employees) to petition DOT/FAA for review of possible illegal revenue diversion from an airport. DOT/FAA must evaluate any petition asserting diversion of \$10,000 or more, within 30 days after such petition is made. If a petition asserts illegal diversion of less than \$10,000, then DOT/FAA have discretion whether to evaluate such a petition. DOT/FAA reviews a petition, and finds that illegal diversion has occurred, DOT/FAA must take action to recover the funds and provide reimbursement to the airport.

**Confidentiality of Petitioner's Identity:** The petitioner's identity would remain confidential, unless the petitioner provided consent to disclose it.

**Payment to Petitioner:** When DOT/FAA recovers illegally diverted funds, DOT/FAA must take action to make a payment to the petitioner, in accordance with procedures established by DOT/FAA. DOT/FAA may require the sponsor to make a payment for petitioner and transfer that payment from the Airport and Airway Trust Fund.

ADDITIONAL COSPONSORS

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Kentucky [Mr. FORD], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

## SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that the George Washington University is important to the Nation and urging that the importance of the University be recognized and celebrated through regular ceremonies.

## AMENDMENTS SUBMITTED

THE CONGRESSIONAL BUDGET  
CONCURRENT RESOLUTIONWELLSTONE (AND OTHERS)  
AMENDMENT NO. 3985

Mr. WELLSTONE (for himself, Mr. KERRY, and Mr. BIDEN) proposed an amendment to the concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; as follows:

At the appropriate place, insert the following new section:

**SEC. . SENSE OF THE SENATE ON TAX RELIEF PRIORITIES.**

- (a) FINDINGS.—The Senate finds that—
- (1) the concurrent resolution on the budget for fiscal year 1997 (S. Con. Res. 57) calls for \$122 billion in net tax reductions through 2002;
- (2) the Committee Report accompanying the 1997 concurrent resolution (Senate Report 104-271) states, "The Committee's recommendation would accommodate further tax reform or tax reductions to be offset by the extension of expired tax provisions or corporate and business tax reforms. Should the tax writing committees choose to raise additional revenues through these or other sources, such receipts could be used to offset other tax reform proposals such as estate tax reform, economic growth, fuel excise taxes or other policies on a deficit neutral basis";
- (3) the tax reductions passed in conjunction with the fiscal 1996 budget (H.R. 2491) included tax breaks which would disproportionately benefit the wealthy and large corporations, such as, reductions in the capital gains tax, exemptions from the alternative minimum tax, reduced tax penalties for corporate raiding of employee pensions, and increased tax incentives for corporations to move jobs overseas; and
- (4) over the last decade, the cost of attending college has almost doubled, rising at twice the rate of inflation.

(b) SENSE OF THE SENATE.—The assumptions underlying the reconciliation instructions in this budget resolution assume that it is the sense of the Senate that any tax revenue raised by the Finance Committee to provide gross tax \*\*\*\* needed to pay for a per-child tax credit will be used either:

(1) to finance a tax deduction of \$10,000 per year for higher education tuition and student loan interest costs; or

(2) to reduce the federal budget deficit; and not for tax cuts which disproportionately benefit the wealthy and large corporations.

WELLSTONE (AND KERRY)  
AMENDMENT NO. 3986

Mr. WELLSTONE (for himself and Mr. KERRY) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF THE SENATE THAT FUNDS WILL BE AVAILABLE TO HIRE NEW POLICE OFFICERS.**

(a) It is the sense of the Senate that the assumptions underlying the function totals and reconciliation instructions in this budget resolution assume: (1) full funding of the Violent Crime Reduction Trust Fund; and (2) that sufficient funds will be made available for Public Safety and Community Policing grants to reach the goals of Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-266).

## WELLSTONE AMENDMENT NO. 3987

Mr. WELLSTONE proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF THE SENATE.**

- (a) It is the sense of the Senate that the assumptions in this budget resolution assume that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless.
- (b) It is the sense of Congress that the assumptions in this budget resolution assume that in the event legislation enacted to comply with this resolution results in an increase in the number of hungry or homeless children by the end of FY 1997, the Congress would revisit the provisions of said legislation which caused such increase and would, as soon as practicable thereafter, adopt legislation which would halt any continuation of such increase.

WELLSTONE (AND OTHERS)  
AMENDMENT NO. 3988

Mr. WELLSTONE (for himself, Mr. KOHL, Mr. JEFFORDS, Mr. KERRY, Mr. DODD, Mr. KENNEDY, Mr. LEVIN, and Mr. BAUCUS) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place, insert the following new section:

**SEC. . SENSE OF THE SENATE ON LIHEAP.**

- (a) FINDINGS.—The Senate finds that:
- (1) Home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer;
- (2) LIHEAP is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than \$8000, more than one-half have annual incomes below \$6000.
- (3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to re-

main a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather states;

(b) SENSE OF THE SENATE.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP for Fiscal Year 1997 will be not less than the actual expenditures made for LIHEAP in Fiscal Year 1996.

WELLSTONE (AND OTHERS)  
AMENDMENT NO. 3989

Mr. WELLSTONE (for himself, Mrs. MURRAY, and Mr. WYDEN) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At an appropriate place insert the following:

**"SEC. . SENSE OF THE SENATE.**

The assumptions underlying functional totals and reconciliation instructions in this budget resolution include:

(A) FINDINGS.—The Senate finds that:

- (1) Violence against women is the leading cause of physical injury to women. The Department of Justice estimates that over 1 million violent crimes against women are committed by domestic partners annually.
- (2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one-quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or job training programs. Batterers have been reported to prevent women from attending such programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Document, for the first time, the interrelationship between domestic violence and welfare by showing that between 50% and 80% of women in welfare to work programs are current or past victims of domestic violence.

(5) The American Psychological Association has reported that violence against women is usually witnessed by their children, who as a result can suffer severe psychological, cognitive and physical damage and some studies have found that children who witness violence in their homes have a greater propensity to commit violent acts in their homes and communities when they become adults.

(6) Over half of the women surveyed by the Taylor Institute stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in women's ability to leave abusive situations that threaten themselves and their children.

(7) Proposals to restructure the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that:

- (1) No welfare reform provision should be enacted by Congress unless and until Congress considers whether such welfare reform provisions would exacerbate violence against women and their children, further endanger women's lives, make it more difficult for women to escape domestic violence, or further punish women victimized by violence.