

APPENDIX B—94TH CONGRESS, 1ST SESSION  
S. RES. 9

Amending the rules of the Senate relating to open committee meetings

*Resolved*, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

“(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

“(1) will disclose matters necessary to be kept secret in the interest of national defense or the confidential conduct of the foreign relations of the United States;

“(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

“(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

“(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement; or

“(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

“(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

“(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.”.

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.

**AIRPORT AND AIRWAY TRUST  
FUND REINSTATEMENT ACT OF  
1997**

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 19, H.R. 668.

Mr. SPECTER. Mr. President, reserving the right to object, by the number, I am not certain that this is the tax bill.

Mr. LOTT. Mr. President, that is the airline ticket tax issue.

Mr. SPECTER. Mr. President, reserving the right to object, we have had this discussion with the distinguished chairman of the Finance Committee, Senator ROTH, and the distinguished

ranking member, Senator MOYNIHAN. We have worked out an arrangement where Senator MOYNIHAN is prepared to have as the effective date the enactment date of this legislation—perhaps I should yield to my distinguished colleague, Senator MOYNIHAN, for him to speak for himself.

Mr. MOYNIHAN. Yes. I would like to say, first of all, that I very much appreciate the judgment of the Senator from Pennsylvania that the bill will be enacted, and that I propose to amend it such that it takes effect upon enactment as against the day it is actually passed, which is the precedent. But with that agreement, that it will be enacted.

Mr. SPECTER. Mr. President, that is satisfactory. Enactment, after it is passed by both Houses and signed by the President, is the effective date that it becomes law.

Mr. MOYNIHAN. That is correct. I also agree, hearing now that it will become law.

Mr. ROTH. Reserving the right to object.

Mr. SPECTER. Mr. President, if I may just finish the comment, I have great admiration for Senator MOYNIHAN. I don't know whether it will become law or not. If it does, so be it. I just want to be sure that enactment is not the day we pass it, but the enactment of the statute is the day which it becomes law after passage by the Congress and signed by the President.

With that understanding, I do not object.

Mr. LOTT. I thank the Senator from Pennsylvania and the leadership of the Finance Committee, the Senator from Delaware and the Senator from New York. I thank them very much for their leadership.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, reserving the right to object, I would like to make a statement for the RECORD prior to final disposition of this matter.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida that he be allowed to make a statement?

Mr. LOTT. Mr. President, reserving the right to object, I would like to inquire. Is the Senator from Florida suggesting that he would like to make a statement at this point in the RECORD?

Mr. GRAHAM. I would like to make a statement at this point in the RECORD prior to the disposition of this matter.

Mr. LOTT. Mr. President, could I inquire how long this might take?

Mr. GRAHAM. Approximately 10 minutes.

Mr. LOTT. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that after the statement of the Senator from Florida, my unanimous-consent request again recur with H.R. 668.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the order, the Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, what concerns me—and why I want to make this statement before we vote it—is the irony of what we are doing at this hour of the night. We have spent the past several days, the past several weeks, debating an amendment of the U.S. Constitution to require a balanced budget. I support that amendment and look forward to voting for it on Tuesday.

In the midst of that debate, we now at this hour are going to take up legislation to extend the airline ticket tax, which has been expired for 10 of the past 14 months. I support that. We should reenact the airline ticket tax. In my opinion, we should not have allowed it to expire as we have.

But what is significant about what we are about to do is that we are extending the airline ticket tax to September 30, 1997. Why are we doing that? Is it because we do not need the resources of this revenue source beyond September 30, 1997? Clearly not.

There are extensive needs in the national aviation system. There are extensive needs in virtually every community which has an airport—a commercial airport or a general aviation airport—which benefits by the resources derived from this tax.

In light of that, why are we enacting this extension from now until September 30, 1997? We paid a heavy price because of the fact that this tax has been allowed to lapse twice in the past 14 months. This tax expired on January 1, 1996. It was nearly 8 months later, August 27, 1996, that it was reenacted. That reenactment, however, was only until the end of the calendar year 1996, December 31. It has lapsed since that date until today.

So since January 1, 1996 until today, the tax has been in effect approximately 4 months. It has been in a lapse status for 10 months. Every day that this tax is not in effect reduces the revenue to the aviation trust fund by over \$15 million; approximately \$500 million a month is lost to the support of safety in the air because of our failure to keep this tax consistently, stably in place.

In light of that history, I ask again, why today are we only enacting this until September 30, 1997? Why are we not making this a permanent tax today as it has been for most of its history?

Well, Mr. President, I must sadly report that we are doing this for exactly the reason that we have gotten into a \$5.4 trillion national debt. Here tonight, in the middle of the debate on a

balanced budget amendment to the Constitution of the United States, we are about to engage in what I consider to be one of the more hypocritical actions in terms of our real commitment to a balanced budget.

What is the significance of having this tax lapse on the 30th of September? The significance is that we are going to count in our budget for the period that will begin October 1, 1997, \$6 billion of revenue for the next 10 years, or \$60 billion of additional revenue based on the way in which the U.S. Senate scores its legislation. The House, which uses a 5-year rule, is going to score \$30 billion of additional revenue because we are allowing this tax to lapse on the 30th of September.

Mr. President, I know you are a prominent business person and deal with complex financial matters. You say, how can this be? What has actually happened in the last 14 months is, we have lost \$5 billion of real revenue. Four percent of the Federal deficit for fiscal year 1997 will be the loss of revenue by allowing this ticket tax to lapse for 10 of the past 14 months. Yet, Mr. President, we are about to set up a process where it is almost guaranteed to lapse again.

The reason we are doing it is because under our arcane budget rules, if the tax is not in place as of the beginning of the fiscal year, we can assume that it is all fresh, new revenue and therefore we have found \$60 billion in order to support other spending or to finance tax reductions. It is no real additional money. In fact, every expectation is there will be less real money because there will be a hiatus in this tax after September 30.

Why do I feel relatively confident, although sadly so, that there will be a hiatus in this tax after September 30, 1997? The answer is because we have virtually ordained that it shall be. Why have we done so? Because last year we passed an aviation reform bill, and in that bill we provided that the Secretary of Transportation and the Secretary of the Treasury would report to the Congress on their collective recommendations as to what kind of permanent method of taxation we should use for commercial aviation.

There is a dispute that has broken out between various segments of the commercial aviation industry as to how the tax should be structured. The interesting thing is that we are about to pass a bill in which the tax will expire on September 30. When do you think the report that we have already requested will be submitted to Congress? The answer is in October 1997. So we are not even going to get the report upon which we are supposed to make a judgment until after this tax has expired.

I suggest we are virtually guaranteeing that we will have yet another lapse in this tax, yet another hole in the trust fund that millions of Americans look to, albeit in a distant, obscure way, but they look to it with

hopes that that trust fund will help make their period in the skies above America a safer experience.

The fact is that we have removed \$5 billion of that safety over the last 14 months, and we are about to pass a bill that is virtually guaranteeing that we will remove more of it. And we are doing it solely, in my judgment, in order to be able to create a fictitious \$60 billion that we can then use in order to justify other spending—not spending in aviation but spending in any area that we choose to do so, or reduction of taxes. If you want to know why in the last 20 years we have added almost \$4.5 trillion to the national debt, you are looking here tonight at an example of the very kind of accounting gamesmanship that has gotten us into our current posture.

It had been my original intention to offer an amendment to this bill, as I did in the Finance Committee, to extend this bill at least to the end of the calendar year so that we would have an opportunity to consider the October report, make a reasoned judgment, and enact whatever permanent reforms we want to enact without suffering another lapse in revenue.

However, I recognize at this late hour the chances of such an amendment being successfully considered are nil. I also recognize the importance of getting this tax back in place as rapidly as possible so that we can stop the loss of the \$5 billion.

Now, some might say, isn't it a good idea to have this tax lapse for 10 of the last 14 months. Has that not resulted in a bonanza of savings to American commercial aviation users? The fact is there has been some of that. Some airlines have, in fact, reduced their ticket price by the amount that was represented by the 10-percent tax which is embedded in that price. Others have not done so. So in some instances the American flying consumer has paid the same amount for the ticket but has not received the benefit of investment in the safety of our airways.

It will be my intention as soon as possible to introduce legislation that will make this tax permanent and will eliminate the "Perils of Pauline" that we have experienced first in August 1996 and now again in February 1997.

One of the reasons that we are rushing to enact this now is that the train is almost at the "damsel in distress." The FAA has said that they are in a position now that within the next few weeks, if not days, they will be in a position of having to send out notices to aviation facilities across the country that they cannot meet their obligations because the trust fund will have been depleted.

For that reason, I do not believe it is prudent to add one additional absurdity on top of the pile of absurdities that are represented by our actions relative to this aviation tax over the last 14 months. I regret that we are taking this action. I am afraid that it casts a pall on our seriousness of commitment

to a balanced budget amendment when we have often used the analogy with a balanced budget that it is like a serial killer who has written on the wall, "Stop me before I kill again," that we need the balanced budget amendment to say, "Stop us before we commit deficit again."

Well, this is a good example of why we will need that constitutional amendment because clearly we are not showing that kind of discipline in adopting this legislation tonight. This is not a proud day for the Senate. It is not a happy day for the U.S. taxpayers. I hope that we can indicate to them that they will do better at some future date.

I thank the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I renew my unanimous-consent request to proceed to the consideration of Calendar No. 19, H.R. 668.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 668) to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, this is the first bill passed by the Committee on Finance in the 105th Congress, and characteristically, it was adopted by unanimous vote. I would point out that 6 of the 10 major pieces of legislation reported by the Senate Finance Committee during the 104th Congress also were passed unanimously. We are off to a good start in the Finance Committee this year, and I hope we maintain this fine tradition under the able leadership of Senator ROTH.

We are here today because the taxes levied to finance the airport and airway trust fund have expired. These taxes largely support the operations of our Federal Aviation Administration, including our Nation's air traffic control system. They also finance our airport improvement program, providing grant money for important airport equipment and infrastructure improvements. Collection of these taxes is critical to maintaining and improving our national air transportation system and continuing to fund airport modernization projects, aviation safety enhancements, and airport security efforts.

On February 4, the Finance Committee held a hearing on the status of the trust fund, which we found to be critical. There is an unexpected shortfall in the trust fund. The Treasury Department had transferred estimated trust fund excise tax receipts to the trust fund based upon an assumption—now known to be inaccurate—regarding the timing of tax receipts. The Treasury Department was required to reverse this transfer, and we are informed that a correcting transfer of almost \$1.2 billion has been made.

The trust fund will be depleted much sooner than expected, which has consequences. FAA informs us that while the air traffic control system will be funded through the end of the fiscal year, funds for FAA capital programs will be depleted in March. If we do not act promptly, FAA will be forced to halt new airport improvement grants, and to cancel contracts that are designed to improve airports and airway systems in every part of the country. These programs could include better bomb detection equipment, improvements for better communication between pilots and controllers, and safety and security studies.

The Finance Committee under Chairman ROTH's leadership moved quickly. One day after our hearing, we unanimously reported out a bill to extend the trust fund taxes through the end of the fiscal year, or September 30, 1997, and to allow Treasury to transfer trust fund tax receipts to the trust fund, no matter when the taxes are collected.

The House has now passed identical legislation. It therefore falls to us in the Senate to pass this bill, promptly and without amendment, and to send it to the White House for the President's signature.

Mr. HOLLINGS. Mr. President, I rise today in support of H.R. 668 which extends the aviation ticket tax through the end of fiscal year 1997. This tax is essential to the day-to-day operation of our Nation's aviation system. Money to improve, maintain, and run our airports is wholly supported by fees paid by the users of the air transportation system. It is not paid for by the taxes we all pay on April 15. Air travelers paid for our airports in the form of a 10 percent ticket tax every time they flew prior to December 31, 1996. That money has been going into the airport and airway trust fund, and the money is then disbursed through the appropriations process.

We have told people to pay this tax, and we have told them we will then spend it on airports and making improvements to the air transportation system. I know that there is a great need to refurbish our Nation's airports. In South Carolina, I visit small airports and see the condition of the runways. Small airports cannot generate the funds needed without the assistance of the Federal Aviation Administration, which provides the necessary money from the trust fund.

Our problem now is that the ticket tax expired at the end of 1996. Due to budget games, the money that we thought would be in the trust fund is not there. Originally we were advised that the trust fund would be broke in July, but it will be depleted as early as March. If this situation is not corrected, millions of dollars in airport modernization projects, aviation safety enhancements, and airport security efforts will have to be delayed or terminated. The obvious answer to this untenable situation is to reinstate the aviation ticket tax, and that is why I am supporting H.R. 668. I urge my fellow colleagues to quit playing budget

games and start fulfilling one of government's primary functions—preserving the safety of the American people.

Mr. MCCAIN. Mr. President, I rise today in strong support of the legislation before us to reinstate the aviation excise taxes, which support important aviation safety and security improvements, as well as system capacity enhancements. It is our duty to take action now to restore this vital revenue stream. I commend the Finance Committee for recognizing the urgency of this situation and moving the legislation forward on a fast track.

The aviation excise taxes lapsed on December 31, 1996. Current estimates show that if we do not restore the aviation trust fund taxes immediately, the trust fund balance will be insufficient to pay for the safety and security programs we approved last year as part of the Federal Aviation Reauthorization Act of 1996. The Federal Aviation Administration predicts, and budget officials confirm, that under current circumstances capital spending on aviation will come to a halt in March. We are clearly doing the right thing by approving this legislation in these emergency circumstances.

I am disappointed, however, that we could only agree to extend the current tax structure for aviation improvements until the end of September. I fear we will face another tax lapse at that time, and risk jeopardizing the trust fund sponsored programs again. The taxes for aviation safety and security should remain in place until we are ready to offer a suitable alternative to the current structure. Congress last year established the National Civil Aviation Review Commission to study and make recommendations along these lines. The term of the tax extension should coincide with this process.

Nevertheless, I endorse this legislation because my foremost priority right now is restoring the viability of the trust fund. I realize that if the Senate successfully extended the term of the reinstatement beyond September, the House would object. We would have to take the issue up in conference, and thus delay resolution of a situation that has already reached critical mass. Realistically, we would probably end up in a position no better than the one we are in today.

That said, we should be clear about one of the main reasons we are setting ourselves up for another lapse. The dedicated aviation trust fund taxes have fallen victim to congressional budget games. The excise taxes that support our aviation system expired late last year and late the year before, following years of uninterrupted renewal. Congress figured out that if it allows the aviation taxes to lapse, it can reinstate the taxes later, and use the revenues to offset tax cuts or increased spending elsewhere in the budget.

This is budget chicanery, pure and simple. We should use the taxes paid by air travelers and shippers exclusively for aviation safety, security and capac-

ity improvements. When we use these aviation revenues to offset spending elsewhere in the budget, the American people rightfully question how we intend to use their dedicated aviation taxes.

More important, we should not play with this dedicated aviation revenue stream, simply to take advantage of convoluted congressional budget procedures. The need for budget process reform is clear. I will continue to work with my colleagues in the Senate to impress upon them the reality that it does not matter if revenues and appropriations are accounted for on different sides of the ledger. Even if the excise tax revenues are deposited in the trust fund, deficit pressures will reduce incentives to spend these funds for their dedicated purpose—aviation safety and capacity improvements.

Budget process reform is a debate for a later date. Today, I rise in full support of this legislation to reinstate the aviation excise taxes on a short term basis to support critical aviation safety and security improvements. We must remain vigilant in seeing this legislation through to enactment. Any further lapse in the taxes that support the trust fund would jeopardize safety-related capital improvements, and shake the public confidence in the Government's ability to safeguard the Nation's air travelers.

We should all be held accountable for not letting the excise taxes that support our aviation system lapse in the future. It would be wrong and irresponsible for us to let the aviation trust fund get caught up in our budget games again.

Mr. FORD. Mr. President, I want to first thank Senator ROTH and Senator MOYNIHAN, the entire Finance Committee, and its staff, for acting quickly on reinstating, for a short term, the taxes that fund the Federal Aviation Administration [FAA]. Many of you may not be aware of how the FAA is funded, or how critical its mission is to our economy.

The FAA receives its funds from two sources—the general fund and the airport and airway trust fund. The trust fund, up until December 31, of last year, was supported by a series of excise taxes—a 10 percent ticket tax, a 6.25 percent freight waybill tax, a \$6 international departure tax, and two noncommercial aviation fuel taxes. For Fiscal Year 1997, the appropriation for the FAA was \$8.563 billion. A total of \$3.1 billion comes from the general fund, and \$5.3 billion from the trust fund.

One thing many of us fail to really comprehend is how important aviation is to our economy. We know that a safe and efficient air traffic control system, and a well functioning FAA, are key components to our economy. The President recently recognized the importance of aviation to our country by stepping in to stop a strike at American Airlines.

Let me put some numbers out to explain how critical aviation is—the total annual impact of aviation to our economy is \$771 billion. That is a staggering figure, but we all know that travel for business and travel for tourism are key components of our local economies.

Failure to reinstate this tax will bring the FAA effectively to a halt. Yes, the air traffic controllers would be paid, as would the other FAA staff. But, my colleagues should understand that no money—absolutely no money, would be available to buy new air traffic control equipment and to fund airport development.

This is not a simple problem. The FAA has under contract billions of dollars for new equipment. If the FAA is not able to pay its contractors, it will have to give them adequate notice to shut down the programs. This means more than not buying a piece of equipment next week, but shutting down existing programs underway. The lawyers will be suing each other for years.

I want to also state that last year, this body worked hard to pass an authorization bill for the FAA. As those of you that were here will recall, we stayed in session an extra week to get that bill through. That bill was and is important because it set a course for doing something different for the FAA—fundamentally changing the way it does business and how we fund that agency.

The long-term funding question remains unanswered. To answer that question, this body voted to establish a 21-member Commission. The work of the Commission must move forward, and it must be done expeditiously. With reconciliation looming, any change in the current system—a new tax system or a new user fee system—must be worked out now. The entire aviation industry must agree to how much money the FAA needs, and who, and how to pay for it.

I know that many of my colleagues share this view, and look forward to working this matter out with them.

The lapse in the ticket tax and the uncertainty over funding, is something our high technology, safety organization—the FAA—cannot afford. Our constituents and families cannot afford it either.

Mr. McCain. Mr. President, I rise to discuss an important issue related to reinstatement of the aviation excise taxes. Financing for the Federal Aviation Administration [FAA], and for the aviation safety and security initiatives it supports, is an issue of critical importance in both the short and the long term. That is why the last Congress established a process for achieving a long-term solution.

The Federal Aviation Reauthorization Act of 1996 created the National Civil Aviation Review Commission, and tasked it with developing specific legislative proposals for long-term FAA funding. Unfortunately, the administration has failed to appoint any of the

13 members it is responsible for appointing to the Commission despite the fact that the reauthorization act was signed into law nearly 5 months ago. This Commission has very important responsibilities and it needs to begin its work soon. The exercise we are engaged in today clearly demonstrates that need.

The Commission has a limited time in which to complete its tasks and must begin its work immediately. In fact, an independent assessment of the funding needs of the FAA should be completed this week. The assessment was prepared specifically for the Commission's use. However, because the administration has failed to make any appointments, there probably will not be a Commission to receive the assessment.

The aviation leadership of the Commerce Committee wrote to the President on January 28 to request that he take action to ensure that the commissioners are appointed immediately. I have also made Transportation Secretary Slater aware on numerous occasions of the urgency of the Commission appointments.

Mr. President, I ask unanimous consent that a letter to the President on this subject from Senators GORTON, HOLLINGS, FORD, and myself be printed at this point in the RECORD.

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

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, January 28, 1997.

Hon. WILLIAM J. CLINTON,  
The President,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: As you know, the Federal Aviation Reauthorization Act of 1996, Public Law 104-264, established the National Civil Aviation Review Commission to address the two very important issues of aviation safety and long-term funding of the national air transportation system, particularly the Federal Aviation Administration. We worked closely with the Administration to craft this legislation, and we appreciate the Administration's support. However, the act set down a firm time line for the Commission to follow in accomplishing its many tasks, including important issues related to aviation safety. It is time now to move forward and enable the Commission to do its work.

Thirteen members of the Commission are to be appointed by the Secretary of Transportation. Given the time constraints of the act and the critical nature of the Commission's duties, we hope that you will act swiftly to ensure the appointment of these commissioners. We expect that the Congressional leadership will move forward in concert with the Administration in making its own appointments. However, the leadership has waited for the Administration to make a move before it completes its appointments so that Congressional appointees can provide any needed balance in the composition of the Commission.

We urge you to take action to ensure that these commissioners are appointed as soon as possible. The Commission has a great deal to accomplish and time is running short. In February, an independent assessment of the

funding needs of the FAA should be completed and the work of the Commission must begin in earnest. Knowing of your commitment to a safe and secure aviation system, we look forward to your swift action on this matter.

Sincerely,

JOHN MCCAIN,  
Chairman.  
SLADE GORTON,  
Chairman, Aviation  
Subcommittee.  
ERNEST F. HOLLINGS,  
Ranking Member.  
WENDELL H. FORD,  
Ranking Member,  
Aviation Subcommittee.

Mr. LOTT. Mr. President, I wonder if the distinguished chairman of the Commerce Committee will yield for a question?

Mr. McCain. Mr. President, I would be happy to yield to the distinguished majority leader.

Mr. LOTT. I thank the Senator. As the chairman knows, the congressional leadership also has responsibility for appointing eight of the members of the commission. I wanted to confirm my understanding of the congressional leadership's responsibility for making appointments to the commission. Am I correct in believing that the congressional appointees were designed to ensure that the commission is not composed simply of people representing just the views of the administration?

Mr. McCain. The majority leader is absolutely correct. As mentioned in our letter to the President, the chief sponsors of the FAA reauthorization bill wanted to be sure that the commission was a balanced group. We fully expected the administration to act very quickly to appoint commissioners, so that then the congressional leadership would have an opportunity to address any perceived biases or omissions.

Mr. LOTT. I appreciate your confirming my understanding of the intent of the reauthorization act. Also, I join you in urging the administration to make its appointments without delay. The commission must begin working on a long-term funding solution so that we can avoid such problems as we are addressing today.

Mr. McCain. I would like to thank the majority leader for providing me this opportunity to clarify the matter of appointments to the National Civil Aviation Review Commission. His support and leadership have been instrumental in the efforts of the Commerce Committee to address the needs of the National Aviation Transportation System.

At this point, I once again urge the administration to assume responsibility for making appointments to the National Civil Aviation Review Commission, so that the long-term funding needs of the FAA can be addressed.

Mr. FAIRCLOTH. Mr. President, on H.R. 668, had this been a rollcall vote, I would like for the RECORD to reflect that I would have voted "no."

No one is more supportive of aviation safety than myself. I have pointed out

on the Senate floor that I have actually been in a plane crash.

But, I oppose this measure because I believe that the American people are taxed too much. Why is it that general revenues, collected through income taxes, are not enough to cover such basic government services as safe skies.

Further, even if we were to impose such a fee, we should find offsetting spending and tax cuts so that we do not increase the tax burden on the American people. Regrettably, this effort failed in the House of Representatives.

Finally, this tax could be restructured so that it does not punish traveling Americans, but such a report on restructuring is not due until October of this year.

For all of these reasons I oppose the ticket tax.

Mr. LOTT. Madam President, I ask unanimous consent the bill be considered read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The bill (H.R. 668) was passed.

Mr. LOTT. Madam President, I thank the distinguished chairman from Delaware for his efforts in this matter. I think it is clearly the right thing to do. The alternative would have been a catastrophe with our aviation programs in this country. We did not really have any alternative, and I think we have taken the right step. The proof that it is the right thing to do is that it passed overwhelmingly in the House, I think close to 370 votes perhaps, and in the Senate, while there are some reservations about it, we are able to move it with unanimous consent.

So I thank the leadership of the committee.

Mr. MOYNIHAN. Will the majority leader yield for a comment?

Mr. LOTT. I will be delighted to yield.

Mr. MOYNIHAN. Madam President, this is the first measure to be reported from the Committee on Finance, and once again it was reported unanimously. In the last Congress, of the 10 major measures that came out under the leadership of Senator ROTH, 6 were unanimous, which speaks of his chairmanship and prudence and desire to enhance revenues.

Mr. LOTT. I am glad the Senator put it so delicately, Madam President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I would just like to say to the distinguished majority leader, it would not have been possible to have gotten this through unanimously without the active support of the ranking member, and I publicly thank him for his contribution.

I should also like to point out that what we did is exactly what was requested by the administration.

Mr. LOTT. Yes.

Mr. ROTH. To carry it out until September 30. And that is exactly what we

did. I think this is a wise move. It protects the safety of our air passengers. I thank the leader for his help in this matter.

Mr. LOTT. Madam President, I thank the Chair.

Mr. MOYNIHAN. Madam President, may I just concur in those remarks. May I also report that the trust fund began in the administration of President Nixon, and our distinguished Senator from Utah was the person who managed the representation up on Capitol Hill, from the Department of Transportation.

#### MEASURE READ THE FIRST TIME—S. 378

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I understand that S. 378, introduced today by Senator THOMPSON, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 378) to provide additional funding for the Committee on Governmental Affairs of the Senate.

Mr. LOTT. I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

Mr. LOTT. Madam President, I yield the floor.

#### PARTIAL-BIRTH ABORTIONS

Mr. BROWNBACK. Madam President, I would like to draw the Senate's attention to a statement that was made yesterday by an individual heavily involved in the debate on partial-birth abortions. Like most Americans, I oppose partial-birth abortions. These latest facts which have now come to light show that the defense of this indefensible procedure has been built on some outright lies.

Yesterday, Wednesday, February 26, in the New York Times, there was a story that ran on page A-11, detailing the admissions of Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers. In the course of that article, and in another published in the American Medical News dated March 3, Mr. Fitzsimmons admits to lying, "through [his] teeth," during his defense of partial-birth abortions, when he said that the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

"It made me physically ill" to make these statements, he said. "I told my wife the next day, 'I can't do this again.'"

The lies he admitted to focus on three major issues about partial-birth abortion, which is a terrible procedure,

a late-term child being pulled out, mostly delivered, turned over, and then the abortion performed.

The lies he admitted to focus on three major issues: No. 1, the number of these abortions performed annually in the United States; No. 2, the physical health of the mother and child involved; and, No. 3, the timing of the majority of partial-birth abortions.

In an April 10, 1992, news conference announcing his veto of a ban on this procedure, H.R. 1833, the Partial-Birth Abortion Ban Act, the President said, "This terrible problem affects a few hundred Americans every year." And that has been continued to be claimed by a number of others. Yet, Mr. Fitzsimmons' admission is different. In the New York Times he now says the "procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses."

The Medical News story reports on an investigation done by the Record, a Bergen County, NJ, newspaper, and they stated this:

The New Jersey paper reported last fall that physicians at one facility performed an estimated 3,000 abortions a year on fetuses between 20 and 24 weeks of which at least half are by intact D&E [dilation and evacuation]. One of the doctors was quoted as saying, "We have an occasional amnio abnormality, but it's a minuscule amount . . . most are for elective, not medical reasons; people who did not realize, or didn't care, how far along they were."

The Washington Post investigation turned up similar findings.

I report that and put that forward here to the Senate, as this is an issue that is one of the front 10 Senate bills to face this body. It is a bill I hope we can act on. It is a bill, passed last year by both the House and Senate and vetoed by the President, to ban this late-term-abortion procedure, a procedure that is an abhorrent procedure, opposed by virtually all American people. Now we are finding out from some of the leading people advocating on the other side that they misrepresented—indeed, he said, "outright lied" about the number and the timeframe as to when these were performed.

I hope we can move forward aggressively and quickly on banning this procedure in America. And I hope the President will reconsider, in light of these factual statements, in light of this information that is coming forward from particular people involved directly in the industry, and that he will sign the bill this year, when we pass this, to ban this horrendous procedure that has continued to be allowed in our civilized country.

I commend all Senators to read this article that appeared yesterday in the New York Times, and the article I cited that is going to be appearing in the Medical News. I think it will add new light to this situation, and, hopefully, we can move forward, united, to take away this terrible situation that continues to happen in our country.

With that I yield the floor.