The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

## INTRODUCTION OF LEGISLATION REGARDING ALIENS FROM ALBANIA, MACEDONIA AND MONTENEGRO

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce a bill that will lighten the heavy burden placed on our allies in the Balkans. Over the past 9 weeks, over 780,000 refugees have flooded into Albania, Macedonia and Montenegro, putting overwhelming pressures on already strained humanitarian services. I recently visited these countries and saw firsthand the growing number of refugees and the demands on social services, government workers and relief agencies attempting to feed, clothe and house refugees with nowhere else to turn. As a Nation, we have appealed to these countries to keep their borders open to the Kosovar refugees. We have increased our humanitarian aid, pledged to admit 20,000 refugees into the United States, and already welcomed 3,000 of them into our country. In fact, volunteers for a relief agency in my district, World Relief in Wheaton, have welcomed 54 refugees into their homes. Yet as we are opening our homes to refugees from camps in Macedonia, Albania and Montenegro, we are preparing to send back to them aliens who have been residing peacefully in the United States. Indeed, the U.S. Immigration and Naturalization Service continues to detain for deportation aliens from these countries. One of my constituents in Illinois has been interned for purposes of deportation since last March.

Mr. Speaker, I believe that this policy should be revised to reflect the current realities of the situation in the Balkans. Clearly there are extraordinary conditions that prevent aliens from returning to these republics at this time. My legislation, cosponsored by seven of my colleagues from both sides of the aisle, will designate temporary protected status for aliens from the Republics of Albania and Montenegro and the former Yugoslav Republic of Macedonia. The U.S. has already extended such protection to aliens from Kosovo. I believe that it must also be extended to these other hard-pressed republics.

In my view, this would not only serve the best interests of the United States, it would also signal to our friends in the region our firm commitment to easing the overwhelming humanitarian challenges that face them.

Mr. Speaker, I wrote to the Attorney General and the Secretary of State urging that TPS be designated for aliens from these countries. The administration has yet to take action on my recommendation. As the stability of our friends in the Balkans is of paramount importance to the success of our Nation's mission, I believe Congress must act.

I thank my colleagues who join with me today in support of this bill. I urge the House to act quickly on this legislation to show our strong commitment to the continued well-being of our friends in the Balkans.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

Mrs. NAPOLITANO addressed the House. Her remarks will appear hereafter in the Extensions of Remaks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

## IN SUPPORT OF SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MALONEY) is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise this evening to speak in support of the Security and Freedom through Encryption, or SAFE, Act, which has been introduced in this session of the Congress and has been done so in support of the high technology industry which is so important to our economy and, therefore, to our country. Indeed, the high technology industry has already created and employs nearly 5 million people across this great land. But the statistics do not show the whole story, for as much as the high tech industry directly adds to our economy, it adds even more indirectly. Advances in technology impact every other sector of our economy, be it retail sales or farming or manufacturing or whatever. The productivity increases that high tech has brought to us allow us to work better and faster, creating higher incomes and prosperity for all Americans. I think it is safe to say that high technology has been the most important development in our economy in the last 50 years. We need to continue to promote high technology. Part of the problem we face is that currently government imposes strict regulations on technology imports, such as encryption technology. The rationale behind these policies is that we should limit potential adversaries from acquiring top-notch technology, whether those adversaries be in the foreign affairs field or in criminal enterprises. In regard to encryption, this policy is outdated and needs rethinking. It is as a practical matter impossible to limit access to some of those technologies, especially when it is possible to purchase top of the line encryption technology through the Internet or from a foreign vendor. U.S. export controls on U.S.-created encryption do not restrict anyone's access to technology or to encryption devices, and instead cripples the U.S. technology industry's ability to grow, invest in research and development and continue to create the best technology in the world. That is a far bigger threat to our national security. Our national security fundamentally relies on the strength and competitiveness of our economy. Reforming encryption controls and passage of the Security and Freedom through Encryption, or SAFE, Act which I have cosponsored is a common-sense approach that levels the playing field for our industry in the world, without compromising America's national security interest. I urge its passage.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I am submitting for the RECORD the official Congressional Budget Office Cost Estimate for H.R. 1000, unanimously reported by the Committee on Transportation and Infrastructure on May 27, 1999. As part of an agreement, the committee had received unanimous consent to file its report by 6 p.m. on May 28, 1999. Unfortunately, CBO was unable to complete the official cost estimate by 6 p.m., and the committee had to include a committee cost estimate in its report. That estimate is superseded by the CBO estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 28, 1999.*

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1000, the Aviation Investment and Reform Act for the 12st Century.

If you wish further details on this estimate, we will be pleased to provide them. The principal CBO staff contact for federal costs is Victoria Heid Hall, who can be reached at 226–2860. The staff contact for the private-sector impact is Jean Wooster, who can be reached at 226–2940, and the contact for the state and local impact is Lisa Cash Driskill, who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 1000—Aviation Investment and Reform Act for the 21st century*

Summary: H.R. 1000 would authorize funding for programs of the Federal Aviation Administration (FAA) primarily for fiscal years 2000 through 2004. CBO estimates that implementing H.R. 1000 would result in additional outlays totaling about $56 billion over the 2000–2004 period. That total assumes appropriation action consistent with the bill's authorizations and the levels of new contract authority it provides for aviation programs. Outlays for the programs authorized by the bill would grow from an estimated $9.2 billion in 1999 to $14.8 billion in 2004. We also estimate that enacting the bill would increase direct spending outlays by about $46 million over the same period. Revenues would decline by $35 million over the five-year period. Because H.R. 1000 would affect both direct spending and receipts, pay-as-you-go procedures would apply to the bill.

The bill would provide an additional $7.1 billion in contract authority for the airport improvement program (AIP) over the 2000–2004 period (above the $2.4 billion a year assumed in the baseline), but providing this contract authority would not affect outlays from direct spending because AIP outlays are subject to appropriation action. (The increase in estimated AIP outlays is included in the discretionary total cited above.) H.R. 1000 also would increase direct spending authority for the Essential Air Service (EAS) program by $10 million each year. We estimate that enacting that change would increase outlays by $46 million over the 2000–2004 period. Furthermore, the bill would allow the Secretary of Transportation to authorize certain airports to charge higher passenger facility fees and would expand a pilot program that provides for the innovative use of airport improvement grants to finance airport projects. The Joint Committee on Taxation (JCT) expects that these provisions would result in an increase in tax-exempt financing and a subsequent loss of federal revenue. JCT estimates that the revenue loss would be $35 million over the 2000–2004 period and $142 million over the 2000–2009 period.

H.R. 1000 would take the Airport and Airway Trust Fund (AATF) off-budget and exempt AATF spending from the discretionary spending caps, pay-as-you-go procedures, and Congressional budget controls (including the budget resolution, committee spending allocations, and reconciliation process). Title X would provide for adjusting AIP contract authority upward based on the difference between the amounts appropriated and the amount authorized for FAA operations, facilities and equipment, and research and development. Any adjustments would begin in fiscal year 2001.

H.R. 1000 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would be significant and would not meet the threshold established by that act ($50 million in 1996, adjusted annually for inflation). Overall, the bill would provide significant benefits to airports operated by state and local governments. Section 4 of UMRA excludes from the application of that act any legislative provisions that would establish or enforce certain statutory rights prohibiting discrimination. CBO has determined that section 706 fits within that exclusion. Section 4 also excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that section 710, which implements provisions of the Convention on International Civil Aviation, fits within that exclusion.

H.R. 1000 would impose new private-sector mandates by requiring safety equipment for specific aircraft, imposing consumer and employee protection provisions, and imposing new requirements for commercial air tour operations over national parks. Those mandates would affect owners of fixed-wing aircraft, air carriers, end-users of aircraft parts, operators of commercial air tours, and owners and operators of cargo aircraft. CBO estimates that the total direct costs of the mandates would not exceed the annual threshold for private-sector mandates ($100 million in 1996, adjusted for inflation).

Description of the bill's major provisions: Title I would authorize the appropriation of $47.6 billion for FAA operations, facilities, and equipment for fiscal years 2000 through 2004. Title I also would provide $19.2 billion in contract authority for the FAA's airport improvement program for fiscal years 2000 through 2004.

Title I would allow the Secretary of Transportation to authorize certain airports to charge higher passenger facility fees than under current law. This title also would expand a pilot program that provides for the innovative use of airport improvement grants to finance airport projects. Title II would establish a federal credit program to assist commuter air carriers in purchasing regional jet aircraft. Title II also would increase the amount of direct spending authority for the EAS program and would authorize the use of appropriations to FAA operations for that program.

Title III would provide that, of the amounts appropriated for FAA operations in fiscal year 2000, up to $1.5 million may be used to obtain contractual audit services to complete a report on FAA's costs and on the allocation of such costs among different FAA services and activities.

Title IV would make the Death on the High Seas Act (DOHSA) inapplicable to aviation incidents, thereby broadening the circumstances under which relatives can seek compensation for the death of a family members in an aviation incident over the ocean.

Title V would establish civil penalties for individuals who interfere with or jeopardize the safety of a cabin crew or other passengers.

Title VI would provide whistleblower protection for employees of air carriers who notify authorities that their employer is violating a federal law relating to air carrier safety. The bill would set up a complaint and investigation process within the Department of Labor (DOL).

Title VII would extend the war risk insurance program and prohibit the FAA from charging fees for certain services. This title would provide that, of the amounts appropriated for FAA operations in fiscal year 2000, $2 million may be used to eliminate a backlog of equal employment opportunity complaints at the Department of Transportation (DOT).

Title VIII would make clear that the FAA has the authority to regulate aircraft overflights affecting public and tribal lands, and would establish a process for the FAA and the National Park Service (NPS) to coordinate the development and implementation of such regulations.

Title IX would place receipts to and sending from the Airport and Airway Trust Fund (AAFT) off-budget and exempt the fund from any general budget limitations. Title IX and X would provide for periodic adjustments to the amounts authorized to be appropriated for the FAA based on estimated and actual deposits to the AATF and on appropriations action.

Estimated cost to the Federal Government: Over the 2000–2004 period, CBO estimates that implementing H.R. 1000 would result in additional discretionary direct outlays of about $56 billion, additional direct spending outlays of $46 million, and a net loss of federal revenues of $35 million. The estimated budgetary impact of H.R. 1000, excluding the potential impact of title X, is shown in the following table. The costs of this legislation fall primarily within budget function 400 (transportation).

| | By fiscal year, in millions of dollars— | | | | | |
|---|---|---|---|---|---|---|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
| SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Spending Under Current law: | | | | | | |
| Budget Authority [1] | 7,654 | 0 | 0 | 0 | 0 | 0 |
| Estimated Outlays [1] | 9,247 | 3,458 | 1,347 | 512 | 166 | 78 |
| Proposed Changes: [3] | | | | | | |
| Estimated Authorization Level | 0 | 7,572 | 8,950 | 9,886 | 10,357 | 10,860 |
| Estimated Outlays | 0 | 6,020 | 9,653 | 12,095 | 13,687 | 14,710 |
| Spending Under H.R. 1000: [3] | | | | | | |
| Estimated Authorization Level: [1] | 7,654 | 7,572 | 8,950 | 9,886 | 10,357 | 10,860 |
| Estimated Outlays | 9,247 | 9,478 | 11,000 | 12,607 | 13,853 | 14,788 |
| DIRECT SPENDING—EXCLUDING TITLE X | | | | | | |
| Baseline Spending Under Current Law: | | | | | | |
| Estimated Budget Authority [4] | 2,410 | 2,460 | 2,460 | 2,460 | 2,460 | 2,460 |
| Estimated Outlays | 0 | 30 | 50 | 50 | 50 | 50 |
| Proposed Changes: | | | | | | |
| Estimated Budget Authority | 0 | 75 | 1,600 | 1,700 | 1,850 | 1,950 |
| Estimated Outlays | 0 | 6 | 10 | 10 | 10 | 10 |
| Spending Under H.R. 1000: | | | | | | |
| Estimated Budget Authority [4] | 2,410 | 2,535 | 4,060 | 4,160 | 4,310 | 4,410 |
| Estimated Outlays | 0 | 36 | 60 | 60 | 60 | 60 |
| CHANGES IN REVENUES | | | | | | |
| Estimated Revenues | 0 | −1 | −3 | −6 | −11 | −14 |

[1] The 1999 level is the amount appropriated for that year for FAA's operations account and facilities and equipment account.

[2] Estimated outlays under current law are from amounts appropriated for 1999 and previous years for the FAA operations account and the facilities and equipment account, as well as the discretionary outlays from the AIP obligation limitations, assuming a full year of authority in 1999.

[3] H.R. 1000 authorizes such sums as necessary for the FAA operations account and for the facilities and equipment account for fiscal year 2000. The table reflects a level for 2000 equal to the amounts provided in 1999—that is, without any adjustment for anticipated inflation. Alternatively, if the 1999 level is increased to adjust for inflation, the 2000 level would be $300 million higher, resulting in $300 million more in outlays over the 2000–2004 period.

[4] Budget authority for AIP is provided as contract authority, a mandatory form of budget authority; however, outlays from AIP contract authority are subject to obligation limitations contained in appropriation acts and are therefore discretionary. CBO's baseline projections assume a full year budget authority will be provided for AIP for fiscal year 1999 and each subsequent year. The full-year total is 1.2 times the $2,050 million provided through August 6, 1999.

The preceding table excludes the potential effects of title X, which would provide for adjustments to AIP funding, beginning in fiscal year 2001. The annual adjustments would be derived by comparing the amounts authorized for FAA operations, facilities and equipment, and research and development, and the amounts provided in appropriations acts for those purposes. If appropriations equal the authorized amounts, then there would be no adjustment in AIP contract authority. Any adjustment would constitute new direct spending authority because it would be triggered by title X; however, all outlays for AIP would still be subject to obligation limitations established in appropriation acts. Depending on the appropriation actions, this provision could result in additional AIP contract authority of up to $40 billion over the 2001–2004 period, as shown in the following table. (The maximum contract authority would result if no appropriations were provided for the accounts in question.)

| | By fiscal year, in millions of dollars— | | | | | |
|---|---|---|---|---|---|---|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
| CHANGES IN DIRECT SPENDING—TITLE X [1] | | | | | | |
| Estimate Budget Authority | 0 | 0 | 8,950 | 9,886 | 10,357 | 10,868 |
| Estimate Outlays | 0 | 0 | 0 | 0 | 0 | 0 |

[1] The amounts shown are potential additions to AIP contract authority attributable to section 1001 of title X.

Basis of estimate: Implementing H.R. 1000 would affect spending subject to appropriation, direct spending, and revenues. Estimates of outlays are based on historical spending patterns for the affected programs and on information provided by DOT and FAA staff.

*Spending subject to appropriation*

For purposes of this estimate, CBO assumes that H.R. 1000 will be enacted before the start of fiscal year 2000, and that the amounts authorized for aviation programs will be appropriated for each fiscal year.

FAA Operations. H.R. 1000 would authorize the appropriation of such sums as necessary for FAA operations for fiscal year 2000. The bill also provides that funds, appropriated for FAA operations in fiscal year 2000 may be used for a number of new activities, including $2 FAA operations in fiscal year 2000 may be used for a number of new activities, including $2 million to eliminate a backlog of equal opportunity complaints at DOT, up to $1.5 million to study the use of recycled materials in aviation pavement, and up to $1.5 million to obtain contractual audit services to complete the Inspector General's report on the FAA's costs and cost allocations. In total, we estimate that the additional activities would require appropriations of $5 million for 2000. For fiscal years 2001 through 2004, the bill would authorize specific annual amounts totaling $28,553 million.

In the absence of specific authorizations for FAA operations in 2000, CBO estimates the amounts of the 2000 authorization based on the 1999 funding levels, with and without adjustments for inflation. The FAA received an appropriation of $5,567 million for operations in 1999. If that level is not adjusted for inflation between 1999 and 2000, CBO estimates that the funding level for fiscal year 2000 would be $5,572 million (including an additional $5 million for the new activities cited above). CBO estimates that appropriation of that amount in 2000 and the authorized levels specified in the bill for 2001 through 2004 would result in additional outlays for FAA operations totaling $33.3 billion over the 2000–2004 period (excluding outlays from amounts appropriated in 1999 and prior years). Alternatively, if the Congress increased funding for operations in 2000 to account for inflation, we estimate that the funding level for that year would be $5,825 million. Combining that amount with the specified authorizations for 2001 through 2004 would yield additional outlays of $33.5 billion for FAA operations over the 2000–2004 period.

H.R. 1000 also provides that funds appropriated for FAA operations may be used for certain activities and programs beginning in fiscal year 2001. Assuming that the Congress appropriates the amounts authorized in the bill for FAA operations for the years 2001 through 2004, we expect that earmarking amounts for the programs described below would not have any significant impact on outlays for FAA operations.

Section 211 would establish a program to provide commuter air carriers with federal loans, loan guarantees, or lines of credit for the purchase of regional jet aircraft. The program is designed to improve service by jet aircraft to smaller airports and to markets that the Secretary of Transportation determines have insufficient air service. Section 212 provides that, from appropriations for FAA operations for each of fiscal years 2001 through 2004, such sums as necessary may be used to carry out the program, including administrative expenses. The Federal Credit Reform Act of 1990 requires appropriation of the subsidy costs and administrative costs for credit programs. The subsidy cost is the estimated long-term cost to the government of a direct loan or loan guarantee, calculated on a net present value basis and excluding administrative costs. Based on information from the FAA, CBO estimates that the subsidy appropriation necessary to implement this program would total about $80 million over the 2001–2004 period, and that outlays for this program would be $60 million over the five-year period. CBO estimates that administering the credit program would cost about $11 million over the 2001–2004 period. The bill would permit the Secretary to charge fees to cover all costs to the federal government of making such loans and would allow the Secretary to spend the fee receipts generated to administer the program. For purposes of this estimate, we assume the Secretary would not charge any fees.

Section 202 provides that, of amounts appropriated for FAA operations beginning in fiscal year 2001, up to $15 million each year may be used to subsidize air carrier service to airports not receiving sufficient service as determined by the Secretary of Transportation. Such amounts would be in addition to the spending authorized under current law for the EAS program. CBO estimates that implementing this section would result in outlays of $54 million over the 2001–2004 period from the operations account, assuming appropriation of the necessary amounts.

Section 131 would direct the Secretary of Transportation to establish a pilot program to contract for air traffic control services at certain towers that do not qualify for the current contract tower program. The pilot program would include a federal contribution to the costs of constructing control towers at up to two facilities. The section provides that, of the amounts appropriated for FAA operations beginning in fiscal year 2000, up to $6 million may be used each year for the pilot program. Because $6 million was earmarked for cost sharing for contract towers in the fiscal year 1999 appropriation for FAA operations, we estimate that enacting section 131 would not affect the outlay rate.

FAA Air Navigation Facilities and Equipment. H.R. 1000 would authorize the appropriation of such sums as necessary for air navigation facilities and equipment (F&E) in fiscal year 2000 and specified amounts for fiscal years 2001 through 2004.

FAA received an appropriation of $2,000 million for F&E in 1999 (excluding $87 million that was provided in a separate appropriation specifically for addressing year 2000 computer problems). CBO estimates that appropriation of that amount in 2000 and the authorized levels specified in the bill for 2001 through 2004 would result in additional outlays for F&E totaling $10.3 billion over the 2000–2004 period (excluding outlays from amounts appropriated in 1999 and prior years). Alternatively, if the Congress increased F&E funding in 2000 to account for inflation, the estimated funding level for that year would be $2,047 million. Combining that amount with the specified authorizations for 2001 through 2004 would yield additional outlays of $10.4 billion for F&E over the 2000–2004 period.

FAA Airport Improvement Program. Title I would provide $2,410 million in contract authority (a mandatory form of budget authority) for the airport improvement program for 1999 and a total of $19,175 million in contract authority over the 2000–2004 period, as discussed below in the section on direct spending. That amount represents $7,125 million in contract authority above the amount assumed in CBO's March 1999 baseline. For purposes of this estimate, we assume that the obligation limitations for AIP contained in annual appropriation acts for fiscal years 2000 through 2004 would equal the amounts of contract authority that would be provided in this bill.

Other Provisions. Based on the current costs of operating a whistleblower protection program at the Department of Energy, CBO estimates that the administrative costs of operating the new DOL program provided in section 601 would be less than $1 million a year.

Based on information from the NPS and the FAA, CBO estimates that discretionary outlays to conduct planning and rulemaking for park overflights, complete air tour management plans (including environmental analyses), and monitor any overflight limits established in such plans would total $29 million over the 2000–2009 period. This process is already underway, and we expect that these costs will be incurred within the next 10 years under current law, assuming appropriation of the estimated amounts. CBO estimates that the provisions of title VIII dealing with park overflights would cause no significant change in FAA or NPS spending over the next five years. We estimate that operating the joint advisory group would cost the agencies a total of about $25,000 each year.

H.R. 1000 contains several additional provisions that would require the FAA to conduct studies, complete reports, issue rulemakings, and develop test programs. CBO assumes that such costs would be funded from the authorizations provided in the bill for FAA operations, facilities, and equipment. In total, CBO estimates that these studies, rulemakings, and reports would cost about $1 million in fiscal year 2000.

*Direct spending*

Relative to CBO's March 1999 baseline, enacting title I of the bill would provide an additional $7,125 million in contract authority (a mandatory form of budget authority) for the airport improvement program for fiscal years 1999 through 2004. It also would extend the authority of the Secretary of Transportation to incur obligations to make grants under that program.

Under current law, $2,050 million in AIP contract authority for fiscal year 1999 is available for obligation until August 6, 1999, equivalent to an annual rate of $2,410 million. Title I would bring the total contract authority for fiscal year 1999 up to the baseline level of $2,410 million and would provide a total of $19,175 million in contract authority over the 2000–2004 period. Consistent with the Budget Enforcement Act, CBO's baseline projections assume that a full year of contract authority ($2,410 million) will be provided for AIP in fiscal year 1999 and each subsequent year. Therefore, relative to the baseline, enacting title I would not affect contract authority for 1999, and would increase contract authority by a total of $7,125 million over the 2000–2004 period.

Expenditures from AIP contract authority are governed by obligation limitations contained in annual appropriation acts and thus are categorized as discretionary outlays. For purposes of this estimate, we assume that appropriation acts for fiscal years 2000 through 2004 will set obligation limitations for AIP equal to the annual levels of contract authority provided in this bill (as discussed above).

Section 202 would increase DOT's direct spending authority for the EAS program by $10 million each year, beginning in fiscal year 2000. In 1999, the program has $50 million of funding from amounts made available to FAA in discretionary appropriations, and it has a permanent, mandatory level of $50 million a year for future years. Section 202 would increase that mandatory level to $60 million a year. We estimate that additional outlays from the increased authority would total $46 million over the 2000–2004 period. (This provision is in addition to the authorization for additional discretionary spending for EAS out of amounts appropriated for FAA operations.)

Section 715 would prohibit the FAA from charging fees for certain FAA certification services pertaining to particular products manufactured outside the United States. Based on information from the FAA, CBO estimates that the forgone receipts would total about $1 million a year beginning in fiscal year 2000 and as much as $4 million a year in future years. Because the FAA has the authority to spend such fees, a reduction in such fee collections would also reduce spending; therefore, we estimate that this provision would have no significant net effect on direct spending over the 2000–2004 period.

Section 404 would amend title 49 of the U.S. Code so that the Death on the High Seas Act of 1920 (DOHSA) would not apply to aviation incidents. Under DOHSA, a family can only seek compensation if the relatives were financially dependent upon the deceased. By making DOHSA inapplicable to aviation incidents, section 404 would broaden the circumstances under which relatives can seek compensation for the death of a family member in an aviation incident over the ocean. It could also lead to larger awards. Based on information from DOT, CBO estimates that it is unlikely that enacting section 404 would have a significant impact on the federal budget. The provision could affect federal spending if the government becomes either a defendant or a plaintiff in a future civil action related to aviation. Since any additional compensation that might be owed by the federal government under such an action could be paid out of the Claims and Judgments Fund, the provision could affect direct spending. But CBO has no basis for estimating the likelihood or outcome of any such actions.

Section 708 would extend the authorization for the FAA's aviation insurance program through December 31, 2004. Under current law, the aviation insurance program will end on August 6, 1999. Enacting this provision could cause an increase in direct spending if new claims would result from extending the insurance program. Moreover, such new spending could be very large, particularly if a claim exceeded the balance of the trust fund and the FAA had to seek a supplemental appropriation. But historical experience suggests that claims under this program are very rare; therefore, extending the aviation insurance program would probably have no significant impact on the federal budget over the next five years.

*Revenues*

H.R. 1000 would authorize the Secretary of Transportation to allow certain airports to charge higher passenger facility fees than under current law. JCT expects that this provision would allow airports to generate more income from fees, which would be used to back additional tax-exempt debt. Such debt would result in a loss of federal revenue. JCT estimates a revenue loss of about $33 million over the 2000–2004 period and about $136 million over the 2000–2009 period.

The bill also would expand a pilot program that provides for the use of airport improvement grants to implement innovative financing techniques for airport capital projects. These techniques include payment of interest, purchase of bond insurance, and other credit enhancements associated with airport bonds. While the first pilot program, enacted in 1996, included these provisions, the early use of the program was geared more toward changing federal/local matching ratios. In addition, the earlier authorization provided for no more than 10 projects. This provision represents an expansion to 25 pilot projects. It is designed to leverage new investment financed by additional tax-exempt debt. JCT expects that this provision would lead to an increase in tax-exempt financing and a resulting loss of federal revenue. JCT estimates a loss of revenue of about $2 million over the 2000–2004 period and about $6 million over the 2000–2009 period.

H.R. 1000 would authorize the FAA to impose a new civil penalty on individuals who interfere with the duties and responsibilities of the flight crew or cabin crew of a civil aircraft, or who pose an imminent threat to the safety of the aircraft. The bill also would impose civil penalties on air carriers that discriminate against handicapped individuals and on violators of certain other provisions. Based on information from the FAA, CBO estimates that the civil penalties in H.R. 1000 would increase revenues, but that the effect is likely to be less than $500,000 annually.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending and receipts. The net changes in outlays and receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing such procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

| | By fiscal year, in millions of dollars— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Changes in outlays | 0 | 6 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Changes in receipts | 0 | −1 | −3 | −6 | −11 | −14 | −17 | −19 | −21 | −24 | −26 |

Changes in the budgetary control of aviation spending: H.R. 1000 would change the budgetary status of funding for aviation programs by placing the AATF off-budget and removing AATF funding from discretionary caps altogether. The bill also provides for periodic adjustments in FAA authorization levels based on AATF receipts and appropriation action.

*Exempting AATF spending from budgetary control and enforcement procedures*

Beginning in fiscal year 2001, title IX would take the Airport and Airway Trust Fund (AATF) off-budget and exempt trust fund spending from the discretionary spending caps, pay-as-you-go procedures, and Congressional budget controls (including the budget resolution, committee spending allocations, and reconciliation). By itself, taking the AATF off-budget would not change total spending of the federal government and would not affect spending or revenue estimates for Congressional scorekeeping purposes. However, because title IX would exempt AATF spending from the budgetary control and enforcement procedures that apply to most other programs, spending for air transportation would likely increase insignificantly. The amounts of potential increases are uncertain because they would depend upon future actions by both authorizing and appropriations committees.

*Adjustments to FAA authorizations and program funding*

Beginning in calendar year 2000, title IX would require the Secretaries of Transportation and the Treasury to estimate, by March 31 of each year, whether the unfunded aviation authorizations at the close of the subsequent fiscal year exceed net aviation receipts to be credited to the AATF during the fiscal year. If the unfunded authorizations exceed estimated receipts, authorizations for appropriations from the trust fund would be reduced. It is unclear how this provision would be implemented, but enacting this provision could decrease the amount authorized to be appropriated from the AATF.

Beginning with the President's budget submission for fiscal year 2003, title X would adjust the upcoming fiscal year's FAA authorizations based on the difference between estimated and actual receipts to the AATF in the most recently completed year. Title X provides that when the President submits a budget for a fiscal year, the Office of Management and Budget shall calculate and the budget shall report the extent to which the actual receipts (including interest) deposited to the AATF for the base year (that is, the most recently completed fiscal year) were greater or less than the estimated deposits specified in H.R. 1000 for the base year.

If there is a difference between the estimated and actual deposits in the base year, then title X provides that the amounts authorized to be appropriated in the upcoming fiscal year for FAA operations, facilities and equipment, research and development, and airport improvement shall be adjusted proportionately such that the total adjustments equal the revenue difference.

Estimated impact on State, local, and tribal governments: Overall, H.R. 1000 would provide significant benefits to airports operated by state and local governments. It also would impose two small mandates on state governments, but CBO estimates the cost of complying with these mandates would not be significant and would not meet the threshold established by UMRA ($50 million in 1996, adjusted annually for inflation).

*Mandates*

Section 401 of the bill would prohibit a state or local government from preventing people associated with disaster counseling services who are not licensed in that state from providing those services for up to 60 days after an aviation accident. Section 402 of the bill would expand a current preemption of state liability laws by limiting the liability of air carriers that provide information concerning flight reservations to the families of passengers involved in airline accidents. Air carriers are already provided immunity from state liability laws for providing passenger lists under these circumstances. Because neither mandate would require state or local governments to expend funds or to change their laws, CBO estimates that any costs associated with these mandates would be insignificant.

*Other impacts*

H.R. 1000 would authorize $19.2 billion in contract authority for the AIP for fiscal years 2000 through 2004, an increase of more than $7 billion over CBO's March baseline for that period. Because the AIP provides grants to fund capital improvement and planning projects for more than 3,300 of the nation's state and locally operated commercial airports and general aviation facilities, those airports could realize significant benefits from this increase.

The bill also would expand the uses and change the distribution of AIP funds. For instance, it would increase from $500,000 to $1.5 million the minimum amount of money going to each of the nation's 428 primary airports from the entitlement portion of the AIP. (Primary airports board more than 10,000 passengers each year.) These funds are distributed based on the number of passengers boarding at an airport. The amount of money received per passenger would be significantly increased, and the current $22 million cap would be eliminated. The bill would also allow non-primary and reliever airports to receive up to $200,000 in entitlement funds per eligible airport. (Non-primary airports board between 2,500 and 10,000 passengers each year; reliever airports are designated by the FAA to relieve congested primary airports.)

Under this bill, eligible airports, under certain circumstances, would be able to increase passenger facility charges (PFCs) to $6 from the current $3 limit. Based on information from the General Accounting Office and the FAA, CBO estimates that if all airports currently charging PFCs chose to increase them, revenues would total about $475 million for every $1 increase in the fee. The revenue generated from increased PFCs could be used to leverage tax-exempt bonds for airport projects. The bill also would increase to 25 the number of airports eligible to participate in an innovative financing pilot program. Under this program, eligible airports could use AIP funds to leverage new investment financed by additional tax-exempt debt.

Title II of the bill would deregulate the number and timing of takeoffs and landings (slots) at La Guardia Airport, Chicago O'Hare International Airport, and John F. Kennedy International Airport, effective March 1, 2000. Title II also would increase the number of slots available at Ronald Reagan Washington National Airport by six, subject to certain criteria. In general, as a condition of receiving money from the AIP, airports must agree to provide gate access, if available, to air carriers granted access to a slot. Based on information from the affected airports, CBO estimates that the increase in slots would have an insignificant impact on their budgets.

Estimated impact on the private sector: H.R. 1000 would impose new mandates by requiring safety equipment for specific aircraft, imposing consumer and employee protection provisions, and imposing new requirements for commercial air tour operations over national parks. Those mandates would affect owners of fixed-wing aircraft, air carriers, end-users of aircraft parts, commercial air tour operators, and cargo aircraft owners and operators. CBO estimates that the total direct costs of the mandates would not exceed the annual threshold for private-sector mandates ($100 million in 1996, adjusted for inflation).

*Owners of fixed-wing powered aircraft*

Section 510 would require the installation of emergency locator transmitters on certain types of fixed-wing, powered civil aircraft. It would do this by eliminating certain uses from the list of those currently excluded from that requirement. Most aircraft that would lose their exemption and currently do not have emergency locator transmitters are general aviation aircraft. According to information from the National Air Transportation Association, the trade association representing general aviation, the cot of acquiring and installing an emergency locator transmitter would range from $2,000 to $7,000 depending on the type of aircraft. CBO estimates that fewer than 5,000 aircraft would be affected, and that the cost of this mandate would be between $15 million and $30 million.

*Air carriers*

Sections 402 and 403 would add new requirements to the plans to address the needs of families of passengers involved in aircraft accidents. Currently both domestic air carriers that hold a certificate of public convenience and necessity and foreign air carriers that use the United States as a point of embarkation, destination, or stopover are required to submit and comply with those plans. This bill would require that as part of those plans air carriers give assurance that they would provide adequate training to their employees and agents to meet the needs of survivors and family members following an accident. In addition, domestic air carriers would be required to provide assurance that, if requested by a passenger's family, the air carrier would inform them whether the passenger's name appeared on the preliminary manifest. Updated plans would have to be submitted to the Secretary of Transportation and the Chairman of the National Transportation Safety Board on or before the 180th day following enactment.

The bill does not specify what level of training would be adequate for air carriers to be able to provide required assurance. Based on information from representatives of air carriers, CBO concludes that the major domestic and foreign air carriers and some smaller carriers currently provide training to deal with the needs of survivors and family members following an accident. In addition, the domestic carriers provide flight reservation information upon request, as would be required under H.R. 1000. CBO estimates that the cost of meeting the additional requirements would be small.

Section 601 would protect employees of air carriers or contractors or subcontractors if those employees provide air safety information to the U.S. government. Those firms would not be able to discharge or discriminate against such employees with respect to compensation, terms, conditions, or privileges of employment. Based on information provided by one of the major air carriers and the Occupational Safety and Health Administration, the agency that would enforce those provisions, CBO estimates that neither the air carriers nor their contractors would incur any direct costs in complying with this requirement.

Section 727 would grant the FAA the authority to request from U.S. air carriers information about the stations located in the United States that they use to repair contract and noncontract aircraft and aviation components. CBO expects that the FAA would request such information. Based on information from the FAA and air carriers, CBO anticipates that the carriers would be able to provide the information easily because it would be readily available and that any costs of doing so would be negligible.

*End users of life-limited aircraft parts*

Section 507 would require the safe disposition of parts with a limited useful life, once they are removed from an aircraft. The FAA would issue regulations providing five options for the disposition of such parts. The segregation of those parts to preclude their installation in aircraft is one option. Information from end users of such aircraft parts indicates that most currently segregate those parts before they reach the end of their useful life. CBO estimates that additional costs imposed by this mandate would be small since the end users would choose the most cost-effective method to safely dispose of such parts and most currently comply with the segregation option.

*Commercial air tour operations*

Title VIII would require operators of commercial air tours to apply for authority from the FAA before coducting tours over national parks or tribal lands within or abutting a national park. The FAA, in cooperation with the NPS, would devise air tour management plans for every park where an air tour operator flies or seeks authority to fly. The management plans would affect all commercial air tour operations up to a half-mile outside each national park boundary. The plans could prohibit commercial air tour operations in whole or in part and could establish conditions for operation, such as maximum and minimum altitudes, the maximum number of flights, and time-of-day restrictions. H.R. 1000 would not apply to tour operations over the Grand Canyon or Alaska. Those operations would be covered by other regulations.

CBO estimates that title VIII would impose no additional costs on the private sector beyond those that are likely to be imposed by FAA regulations under current law. CBO expects that the cost of applying to the FAA for authority to operate commercial air tours over national parks or tribal lands would be negligible.

*Cargo aircraft owners and operators*

Section 501 would mandate that a collision avoidance system be installed on each cargo aircraft with a maximum certified takeoff weight in excess 15,000 kilograms or more by December 31, 2002. Cargo industry representatives say they are currently developing a collision avoidance system using new technology and expect it to be installed in such cargo aircraft by the deadline, even if no legislation is enacted. CBO estimates that this mandate would impose no additional costs on owners and operators of cargo aircraft.

Estimate prepared by: Federal Costs: Victoria Heid Hall, for FAA provisions and NPS overflights; Christina Hawley Sadoti, for DOL penalties; Hester Grippando, for FAA penalties. Impact on State, Local, and Tribal Governments: Lisa Cash Driskill. Impact on the Private Sector: Jean Wooster.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

## JERUSALEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to urge that the administration immediately move forward to establish a United States embassy in Jerusalem. It has been 4 years since Congress passed the Jerusalem Embassy Act of 1995. That act requires that the U.S. embassy must be moved to Jerusalem from its current location in Tel Aviv no later than May 31, 1999. That deadline passed last week. It is most regrettable that the administration is in the process of considering exercising its waiver option to again delay moving the embassy to Israel's capital city. Jerusalem is the capital of Israel. Around the globe, it is the policy of the United States to place its embassies in capital cities. But Israel is the glaring exception to this policy. There is no plausible reason for this glaring exception. It is vitally important that the administration act now to move the embassy, because the final status negotiations of the Middle East peace process which are in their initial stages will include talks about Jerusalem. It is imperative to establish now the U.S. conviction that realistic negotiations must be based on the principle that Jerusalem is the eternal, undivided capital of Israel and must remain united forever. If the embassy remains in Tel Aviv, it would encourage the Palestinians to persist in unrealistic expectations regarding Jerusalem and thus reduce the chances of reaching an agreement.

I urge the administration to follow the lead of Congress and establish the U.S. embassy in Jerusalem where it rightfully belongs now.

## MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the managed care issue was left unfinished in the last Congress. On the House side, the Patients' Bill of Rights was defeated by just five votes when it came to the floor and it was considered on the floor as a substitute to the Republican leadership's managed care bill which did pass and in my opinion was a thinly veiled attempt to protect the insurance industry from managed care reform.

I want to say, Mr. Speaker, that support among Democrats for passing the Patients' Bill of Rights is as strong as ever and it certainly needs to be. The Republican leadership in the House has reintroduced a bill that is virtually identical to what it moved last year, and on the Senate side earlier this year a Senate committee approved what I considered a sham managed care bill that does not allow patients to sue insurance companies but does allow insurance companies, not doctors and patients, to define medical necessity.

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Mr. Speaker, what the Democrats are trying to do in the next week or so is to bring the Patients' Bill of Rights to the floor, and because of the fact that we have been unable, as in the last session of Congress to get any hearings or committee action on the bill in the House, we have already put in place a procedure known as a discharge petition which will probably ripen next week and which will allow Members to come down to the floor and sign the petition to essentially force the Republican leadership to bring up a vote on the Patients' Bill of Rights.

In many ways it is unfortunate that we are reduced to that. The bottom line is that the Republicans are in the majority in this House, not the Democrats, and if the Democrats cannot get a bill brought up in committee because they are not in the majority, they do not chair the committees, then the only recourse they have is to resort essentially to the discharge petition process and hope that we can get a majority, all the Democrats and some Republicans, to force a vote on the Patients' Bill of Rights.

I wanted to say, Mr. Speaker, that another disturbing development has apparently taken place in the House over the last week, and that is that a few months ago we had heard that there were rumors that instead of moving a comprehensive managed care reform bill, the Republicans might try to bring up bits and pieces of patient protection. In other words, instead of bringing the comprehensive Patients' Bill of Rights to the floor, they would bring up bills that only deal with emergency room care or external appeals or whatever.

I just wanted to say that this approach should concern anyone who really cares about managed care reform. I think it is being considered as a means by which the Republicans hope to avoid the debate, a real debate on the whole comprehensive issue of managed care reform, particularly the right to sue and the issue of medical necessity.

What I think the Republicans may try to do is to bring up these individual bills in this piecemeal approach and then give the impression that somehow they are doing something on the issue of managed care reform or patient protection, when in fact they are not.

If this piecemeal approach is adopted, I think the concerns of the American people are certain to be ignored, the issues they care about the most will be left off the table in order to appease the insurance industry, and those pieces of patient protection that do get to the floor will be riddled with loopholes and all kinds of escape clauses.

Healthcare problems and the deaths and the serious injuries and serious problems that we have seen that have occurred because of the inability of patients to get a particular procedure, an operation, to be able to stay in the hospital, these things will continue to happen unless we have comprehensive managed care reform like the Patients' Bill of Rights.

I have a number of my colleagues here with me tonight to join in this special order, and I should say that every one of them has been involved in a major way, either as a member of our Democratic Health Care Task Force or members of the Committee on Commerce, or one of my colleagues from New Jersey's case, the ranking member on the Subcommittee on Education and Labor that deals with managed care reform, and I am pleased they are with me.

Mr. Speaker, I yield to my colleague from Arkansas, who has been one of the leaders on the issue of managed care reform. He is a cochair of our Health Care Task Force. It was he who last year brought up the Patients' Bill of Rights as a substitute on a motion to recommit and allowed us to consider the bill on the floor of the House.

Mr. BERRY. Mr. Speaker, I thank my distinguished colleague from New Jersey for yielding.

Mr. Speaker, once again we are here asking the Republican leadership to bring patients rights legislation to the floor for a vote, once again. We need this reform so we can make managed care work. We need managed care.

We are only asking the leadership to do the job the American people want them to do, to bring up a bill to guarantee all Americans with private health insurance, and particularly those in HMOs or other managed care plans, certain fundamental rights regarding their healthcare coverage.

Today approximately 161 million Americans receive medical coverage through some type of managed care organization. Unfortunately, many in managed care plans experience increasing restrictions on their choice of doctors, growing limitations on their access to necessary treatment, difficulty in obtaining the drugs they need and should have and must have to stay alive, and an overriding emphasis on cost cutting at the expense of quality.

Patients rights legislation would guarantee basic patient protections to