

Mrs. NAPOLITANO. Mr. Speaker, we have long talked, over the years that I have been serving in Congress, about prescription drug plans and how we can effectively deal with the countless seniors who have not been covered over the years and who continue to call our offices and come to us for assistance.

Many of our seniors have been forced to choose between buying essential medications, paying for food, and I know some of them who have subsisted, when their money does not stretch far enough, by buying canned pet food for their meals. They also have to figure out how to buy their essentials: pay their rent and pay for the heat during the winter, or cool off during the hot summer weather months that we have. Women seniors, in particular, need prescription drug coverage. Over a quarter of them have no prescription drug coverage.

Our Democratic plan is voluntary. Seniors who would choose to participate would pay a \$25 monthly premium, \$100 annual deductible, and 20 percent of their prescription drugs, up to \$25,000 a year.

We have talked about prescription drug benefits long enough. It is time to give seniors what they deserve, a comprehensive, reliable, affordable plan.

#### MEANINGFUL SAVINGS FOR SENIORS UNDER HOUSE PRESCRIPTION DRUG PLAN

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

Mr. BOOZMAN. Mr. Speaker, I rise today in support of a Medicare prescription drug benefit that provides immediate, meaningful savings for American seniors.

The Department of Health and Human Services released a study yesterday that stated the House Republican plan will give seniors a 60 percent to 85 percent savings per prescription and cut their out-of-pocket costs by as much as 70 percent.

This same HHS study confirmed that our plan creates a fiscally responsible benefit that results in immediate savings for American seniors. The study backs us up by pointing out that the Democrats plan does not help seniors until 2005. That is too long to wait, as this relief cannot come soon enough. Twelve million do not have prescription drug coverage at all.

Quality health care for seniors should not end when they turn 65. Our proposal would deliver 21st century prescription drug coverage by providing a voluntary, affordable prescription drug benefit as a permanent entitlement to Medicare beneficiaries.

I encourage my colleagues to support this proposal that will save seniors across the country money on their prescription drug bills.

#### MAJORITY LEADER SPEAKS FROM THE HEART

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

Ms. KAPTUR. Mr. Speaker, the best you can say about the comments made yesterday by the gentleman from Texas (Mr. ARMEY), the House Republican leader, of U.S. companies fleeing to offshore locations in order to reap additional tax benefits, is that he spoke from his heart, and the heart of the Republican Party.

At the same time as his party was raising over \$30 million up the street at the Washington Convention Center from groups like the pharmaceutical industry, Congressional Quarterly reported that he defended the actions of corporations to move their headquarters abroad to reduce their tax burdens. With all his party is taking from the Social Security and Medicare Trust Funds, his remarks reveal the true heart of the Republican Party: Take our people's money before everything, before Social Security and Medicare, before prescription drugs, before jobs in America.

So the best I can do is to thank the Republican leader for revealing the true heart of the Republican Party. It is the reason this Member is a Democrat.

#### PRESCRIPTION DRUGS

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

Ms. BROWN of Florida. Mr. Speaker, tomorrow, in my district in Orlando, President Bush will be visiting the Marks Community Center on Physical Fitness, and we thank him. I have a lot of seniors in my district, but besides physical fitness, they need the prescription drug benefit that was promised to them in the last election.

When I was home recently in Jacksonville, I had to go to the drugstore to pick up a prescription for my grandmother. I thought the copayment would be \$15. It was \$91. Our grandmothers deserve better than that.

If the Republican leadership and Mr. Bush could take a break from their \$30 million drug company fund-raisers and their tax cuts to the rich, maybe they could work on a compromise that will provide our seniors with the relief they need and that was promised to them in the last election. They need to get their priorities straight.

#### SMALL AIRPORT SAFETY, SECURITY, AND AIR SERVICE IMPROVEMENT ACT OF 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 447 is an open rule, which provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Transportation and Infrastructure on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act of 2002.

The rule provides that it shall be in order to consider for the purpose of amendment the amendment in the nature of a substitute now printed in the bill. The rule waives all points of order against consideration of the committee amendment in the nature of a substitute and provides that it shall be open for amendment by section.

Any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. However, the rule allows the Chairman of the Committee of the

Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, I would like to commend the chairman, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the author of this bill, the gentleman from Mississippi (Mr. WICKER), as well as all the members of the committee for their hard work and steadfast efforts on behalf of our Nation's transportation infrastructure needs.

Mr. Speaker, it is a well-known fact that safety is enhanced when air traffic controllers guide a plane through the skies and onto a runway. Yet many of our Nation's smaller airports do not have air traffic control towers, leaving pilots on their own to seek out and avoid air traffic and land on the ground safely.

The FAA has been tasked with the role of building air traffic control towers in our Nation's larger airports, but their construction budgets are not large enough to pay for the needed towers at the smaller airports, even though many of these airports have commercial passenger service or very active general aviation business.

This legislation seeks to address this problem by changing existing law to allow small airports to use their Airports Improvement Program, or AIP, grant money to build traffic control towers and to equip these towers. It is important to note that this added safety step is purely voluntary, and the legislation provides each small airport with the flexibility to meet their most pressing individual safety needs.

As a matter of fairness, this legislation allows for limited reimbursement of costs incurred after October 1, 1996, for tower construction costs and equipment purchases. This recognizes that some airports chose to improve their safety by building their own towers at their own cost, and they should not be penalized for their initiative.

Mr. Speaker, H.R. 1979 takes yet another step forward to increase air safety, efficiency, and security at our Nation's smaller airports. In addition, regional service in our rural areas will be enhanced, providing significant savings to the FAA in air traffic costs and increasing economic productivity in smaller communities nationwide.

Mr. Speaker, this is a good bill, and it deserves our support. There is no additional cost to the government, since it simply gives our airports and the FAA another authorized use for AIP grant money. I urge all my colleagues to support this straightforward, non-controversial rule as well as the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a fair rule, providing for an hour of debate on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act. This is an open rule, allowing for any germane amendment to be offered, and I support this rule and commend the majority for reporting this fair rule.

Prior to being selected on the Committee on Rules, I had the honor of serving as a member of the Committee on Transportation and Infrastructure. My experiences, first with Mr. SHUSTER and then with the gentleman from Alaska (Mr. YOUNG), were positive and almost always bipartisan. I have the utmost respect for both the former and current chairmen, and I cannot recall a time when the committee did not work together to resolve partisan differences.

Mr. Speaker, this should be a very good bill. As the distinguished ranking member of the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), said to the Committee on Rules the other day, this bill could have been considered under suspension, except for one provision. That provision is nothing less than an unfair handout to a handful of airports scattered across this country.

The bill would allow small airports to use up to \$1.1 million of Airport Improvement Program funds to build or equip an air traffic control tower to be operated under the FAA's Contact Tower Program. This is not controversial. In fact, if this were the sole scope of the bill, it would have unanimously passed the Committee on Transportation and Infrastructure, and it probably would unanimously pass the House today.

Unfortunately, the bill also contains a provision that takes approximately \$30 million of AIP funds to enhance airport security and, instead, uses these funds to reimburse airports for air traffic control towers previously built.

□ 1115

These towers were constructed under an expressed agreement that the Federal Government would pay the cost of staffing the tower but not the construction costs. Mr. Speaker, this provision is bad policy, plain and simple. When I was a member of the Committee on Transportation and Infrastructure, I voted against the inclusion of this provision of the bill. In fact, I so strongly disagreed with this provision that I signed the dissenting views.

Mr. Speaker, the inclusion of this provision is unfortunate, and it should be stricken from the bill. The rule allows the gentleman from Minnesota (Mr. OBERSTAR) to offer an amendment to do just that. The gentleman from Minnesota's amendment does the right thing by leveling the playing field for

all airports. His amendment strikes the controversial provision from the bill. Small airports across the country can still use airport improvement funds to build control towers in the future. Under the Oberstar amendment, the 26 airports covered by the provision would not receive retroactive funding for the construction of their towers which were built without any expectation of Federal funding.

Mr. Speaker, I support this open rule, and I support the gentleman from Minnesota's amendment; and I strongly urge my colleagues to do the same.

Mr. Speaker, I reserve balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to my distinguished colleague, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I appreciate her management of this rule. I also want to compliment my friend, the gentleman from Massachusetts (Mr. MCGOVERN), for pointing to the fact that we have proceeded with an open-amendment process here. Obviously, if we look back at September 11, and a great deal of time has been focused understandably talking about the tragic circumstances that surrounded that day and all of the action that we in this Congress and that President Bush have taken to respond to it, dealing with airport safety is a very high priority.

And as we have looked at some of the proposed regulations that have come forward as it deals with small aircraft, it seems to me that this legislation which will deal with the challenge of ensuring that we have the safety precautions taken and a degree of flexibility for small airports is the right thing to do. I think that we have been able to move ahead with again, as I said, an open-amendment process which is right on target; and while I oppose the Oberstar amendment and I urge my colleagues to defeat it, I do support the gentleman from Minnesota's (Mr. OBERSTAR) right to offer that amendment.

As we look at this extremely challenging time, there are a lot of small airports that have been unable to take advantage of the AIP funding, and this legislation will provide that opportunity for utilization of those very important funds.

So I urge my colleagues to support this rule, oppose the Oberstar amendment which will be considered under the open-amendment process; and after we defeat that amendment, support this very important legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to first off rise in support of the Oberstar amendment, which I think is a very wise legislative proposal to protect these dollars against being used retroactively; and after an agreement has been reached and a deal struck, a deal should be a deal. I also, though, want to express my concerns about the airport improvement program, the way it is run by the FAA and how it impacts on local communities. There is a community airport in my district in Montgomery County, Pennsylvania, called Wings Field. It has been there for many, many years; and it is a community asset. As a county commissioner, when the private owners wanted to sell it, I cooperated with my colleagues to try to create a county authority to buy it so that we could keep it as a community asset and as a valuable transportation program, an asset in our suburban county outside of Philadelphia. The community was concerned about that, did not want it to go into public hands, and that authority was disbanded.

The pilots that were using Wings Field then bought the field themselves and have undertaken some improvement programs which I think were meritorious. Specifically, they applied for an airport improvement program grant and received it for about \$3 million to extend the runway, which I believe made the airport safer. It was controversial in the community, but I think it was the right thing to do.

The problem was that there was no public discussion, that the owners, the new pilot group owning the airport, applied to the FAA quietly without involving the local township supervisors who had been deeply involved in zoning matters and such affecting this airport.

They did not tell the county commissioners, the current board deeply involved in the affairs of this airport, and did not notify the Member of Congress, myself, from the community; and I have also been deeply involved in promoting this airport. I am a friend of Wings Field, but it has transpired that this grant was approved without notice in a way that generated great public outcry.

Pennsylvania is a block grant State when it comes to aviation dollars, and we all thought and had been told that any Federal money coming to Pennsylvania would go through this block grant program. There would be transparency, and people would understand when money was being applied for and when money was being appropriated, and there would be notice. These airport programs might still be controversial, but there should be notice and understanding. That did not happen. The ownership group applied directly to the FAA and got \$3.5 million to extend the runway. The merits of that runway are very real, but the process is terrible.

Mr. Speaker, I hope that the committee will, next year, when I understand from the ranking member of the committee, the gentleman from Min-

nesota (Mr. OBERSTAR), that his committee will be dealing with FAA renewal and reauthorization, that the committee will look at how the FAA deals with the airport improvement program.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for raising this issue.

In general it is a standing principle that any AIP funds, any project that is AIP funded, must conform to the Federal rules and regulations, which include the public-hearing process.

Since this is a block grant program, I think we would have to review the conditions under which Pennsylvania manages that program and may want to amend the requirements in next year's reauthorization of FAA programs to ensure that States in their block grant program comply with the public notification issue that the gentleman has raised here. I fully sympathize with the gentleman's position.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. There was an end-run done here, and I hope that it will not happen again.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), the sponsor and author of H.R. 1979.

Mr. WICKER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her fine statement on behalf of the rule and the legislation.

Mr. Speaker, I am pleased to have the opportunity to speak on behalf of this bill. I appreciate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for moving this bill through their committee so it could be brought to the floor today, and I appreciate the hard work of the gentleman from California (Mr. DREIER) and the Committee on Rules for providing the House with a fair and open rule.

I introduced H.R. 1979 a year ago after listening to the people who run small regional airports in my home State of Mississippi. A common concern of the airport managers is that their airports lack the necessary facilities and equipment to guide commercial jets and private planes safely. But this is not just a worry in small-town Mississippi. It is commonplace throughout America. Smaller airports depend on Federal money provided through the airport improvement program, AIP, for capital improvements.

However, the program that is designed to improve the safety and efficiency of our national aviation system does not allow airports to use AIP money to construct and equip control towers, and that is what this bill is about today. The bill before us today corrects this situation by giving our airports the option to use their AIP funds to construct or equip contract

control towers. If more airports are able to use the most up-to-date safety equipment, accidents will be prevented and lives will be saved. Air traffic controllers will be able to verify the position of planes all over America, not just around the airports at larger cities.

Unfortunately, there are many examples of the type of accident we are trying to prevent today. On February 8, 2000, over Zion, Illinois, two planes collided, crashing into a residential area. All of the passengers were killed. Debris from the accident fell on residential streets and the Midwestern Regional Medical Center where the windows were blown out and two hospitals workers were burned. At the time of the accident, the controllers at the Waukegan Airport directed traffic based only on the pilots' reports of their locations. A student pilot reported on her position inaccurately, and the controllers had no way to confirm her position. After a study of this accident, the National Transportation Safety Board issued a report on April 27, 2001, stating, "Preliminary findings indicate if the Waukegan tower had been equipped with a terminal radar display at the time of the accident, the controller could have confirmed the pilots' position reports and established a more effective sequencing plan, thereby preventing the accident."

However, the equipment the National Transportation Safety Board said the airport needed is very expensive. It is just the type of safety precautionary equipment for which the AIP program should be utilized. This legislation will make that possible.

Since this and other accidents, many airports have found room in tight budgets to equip their control towers with terminal radar displays. But this is not an option for airports which do no even have a tower yet.

On June 23, 2000, 2 and a half miles from the Boca Raton, Florida, airport, a Learjet collided with a stunt plane, killing four people. Wreckage of the planes fell on a heavily populated golf course and community. At the time of the accident, neither pilot was talking to controllers to verify their respective positions because the airport did not have a tower to house an air traffic controller.

While the most important goal of this legislation is to improve safety in our skies, there are additional benefits. Building and equipping more control towers will provide relief for our congested air traffic system as more reliever airports are created, and rural communities will be more attractive for economic development prospects as air travel opportunities increase.

This commonsense legislation does not direct more money to any particular airport. All the bill does is give airports more options to use funds which they are already going to receive from the Federal Government.

I expect a good portion of the debate today will be about an amendment

which I expect the gentleman from Minnesota (Mr. OBERSTAR) to offer. It is my understanding the ranking member of the full committee plans to offer an amendment which would strike a portion of the bill concerning possible reimbursement for airports which have built and equipped their control towers since October 1996. I urge my colleagues to defeat this amendment.

The purpose of this section in the bill is to provide support to airports that depleted their reserves or increased their bonded indebtedness to provide an optimum level of safety and security at their airports. During a time when regional airports are struggling, removing debt or replenishing reserves would allow airports to complete projects that are not AIP eligible or to comply with unfunded Federal security mandates, thereby further enhancing security and safety at airports. This is a budget-neutral position which will not direct any money to any airports. All the section does is give airports the ability to reimburse a portion of their expenses with a cap of \$1.1 million. Of the only 21 airports which will be eligible for reimbursement, most will not even be able to reach the \$1.1 million cap since many of the airports utilize funding streams which are not eligible for reimbursement.

During the debate, the ranking member may argue that the reimbursement provision of this legislation will negatively affect the safety of the national airport system. I believe nothing could be further from the truth, Mr. Speaker. The 21 airports that have built towers have been proactive in providing the same level of safety at their regional airports as the large hub airports provide, and in the process have enhanced security of the national airport system.

□ 1130

I believe these airports should be rewarded for their proactive consideration. I urge my colleagues to vote against the Oberstar amendment which would strip this valuable portion of the legislation.

In closing, I look forward to the debate. Once again, I thank the Rules Committee for a fair rule. I look forward to the enactment of this legislation, which will increase safety for all Americans. I urge a vote in favor of the rule and in favor of H.R. 1979.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I listened with great interest to the remarks of the chairman of the Committee on Rules and the remarks of the gentleman from Mississippi. Were it not for the reimbursement provision, I would say, this bill would not be on the Union Calendar. We would have disposed of it on the suspension calendar. We could have even brought

it on unanimous consent. But because of an egregious provision that the Law and Order Caucus, ordinarily on the other side of the aisle, would not support, we have to take this up in the current procedure, and, that is, the reimbursement provision. It is really akin to the painter who comes up to your front door, paints the door and says, Look what a great job I did. It was in such bad shape. It was a terrible-looking front door. Now it looks wonderful. Pay me. There was no contract. There was no agreement. Every one of the 20 or 21 airports that will be windfall beneficiaries of this provision in the bill knew what they were getting into, I say to the gentleman.

We discussed this when the gentleman first proposed this before he even introduced his bill a year ago. I am for the purposes of your legislation except for the reimbursement. They signed a contract with the FAA. They knew what they were getting into. They knew they had to build a tower in order for the FAA to operate that tower. It is not right to come back and say, Oh, gosh, why don't you reimburse us for being good guys and building this tower even though we knew it was our obligation, even though we knew we had to pay for it.

What this amendment is going to allow is these airports to reach out into the future, into the entitlement that we provided for small airports in AIR-21, and I was a proponent of it, to give small airports an entitlement. Over many years we had expanded the funding available for small airports going back to the passenger facility charge of 1990 where large airports had to yield half of their entitlement funds, 50 cents, their entitlement for every dollar of PFC that then went into a small airport development fund, to increase the amount of money going out to upgrade airports at the end of the spokes in the hub-and-spokes system of aviation. That amounted to an \$800 million set-aside for small airports every year from 1990 forward.

In addition to that, I said, Fine. We ought to have an entitlement now for small airports because some of them are not getting that money. That is \$150,000 a year. Those airports, at \$1.1 million average, will soak up 7 future years of their entitlement money. Then what is going to happen, those airports are going to come back to their Members of Congress and say, Goodness, we've run out of money. Can you help us get more funds? Are we supposed to then bail them out twice?

They agreed to this provision. The basic bill is prospective. It says, in the future we will fund these kinds of projects on a request basis. But we should not go back in time and pay for something that an airport agreed to do on their own. The airport program has limited dollars, limited funding. It is a cooperative program. The Federal Government, State and local each has to do their part. The part of the small airports and the airport authority was to

get an agreement. If they could not comply, if they could not meet the benefit-cost standard, then they had to go and build the tower themselves and the FAA comes in and operates that tower. They are not shouldering the whole responsibility themselves. The Federal Government, the FAA, is paying for the operation of that tower and the air traffic controllers.

Absent the reimbursement provision, which is simply a windfall benefit, unjustified, the rest of the bill is good, is needed, will serve security and safety enhancement and capacity needs in the future. But we ought to defeat that provision of the bill. Under any other circumstance, I cannot imagine any other Member of this body supporting something like that. We do not do it in the Corps of Engineers, we do not do it in the Federal highway program, and we ought not to be doing it in the small airport program.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), my distinguished colleague and classmate and the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentlewoman for yielding time to me.

First of all, I want to speak on the rule. That is what this particular issue is about, the resolution before us to debate this important piece of legislation. I want to commend the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and the gentlewoman from Ohio (Ms. PRYCE), my classmate. We were elected together. We served at times under a regime when rules were not open, when you did not even get an opportunity to present in a fair manner your opposition. I commend both the gentleman from California and the gentlewoman from Ohio for their operation of a Rules Committee that gives everybody a fair opportunity to be heard.

As we have heard the ranking member of the Committee on Transportation and Infrastructure, the distinguished gentleman from Minnesota (Mr. OBERSTAR), say, this is a fairly noncontroversial measure. It is an important measure because it does address safety at our small airports. We heard the sponsor of the legislation, the gentleman from Mississippi (Mr. WICKER), cite instances where unfortunately many of our aviation accidents are at small airports that do not have one of the most important features, which is an air traffic control tower, in their facilities. It is an important issue, and it would be noncontroversial except for one or two possible amendments. The most difficult of those amendments, which has again been given an opportunity to be heard here on the floor in open fairness and debate, is the Oberstar amendment.

But let me speak just a moment about the legislation. The legislation was crafted in a very fair and reasonable fashion, I believe, and that is to

provide assistance to these small airports to put in part of their facility. Runways may be important and safety lights may be important and other infrastructure improvements at our small aviation and general aviation facilities may be important; but, Mr. Speaker, there is nothing more important than an air traffic control tower.

This particular legislation makes possible using basically entitlement money, aviation improvement fund moneys which are available, some of it is capped for smaller airports, some of it is based on passenger revenue for other commercial facilities, but that is money that really is an entitlement to these local airports to use in an optional manner. This is an option in the manner in which they think is best and best serves safety purposes. Certainly nothing can be a bigger safety measure than an air traffic control tower. That, we all agree upon.

The issue that is in debate is whether those small communities who have dipped into their own pocket and taken the initiative to make a major safety improvement and expend their own funds can make a determination as to whether they want to use their future funds which they are entitled to, anyway, for reimbursement. What could be a fairer presentation? And not to cut off these communities who have taken an initiative, who have looked out for the most important interest, and that is the safety of the pilots and the aircraft and passengers coming into these smaller airports. Nothing can be a better utilization of funds. Why should we as Congress, why should we in Washington tell these communities what they can do with their funds when they already have the option of spending them in any manner in which they make the improvement?

The Members that may be listening, Mr. Speaker, from Arizona, from California, from Colorado, from Florida, from Georgia, from Idaho, from Illinois, from Indiana, from Kansas, from Louisiana, also from Minnesota, from Mississippi, from Missouri, from New Hampshire, from Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Wisconsin and other States will be entitled to use their funds for this. Why should we penalize those from the States of Texas, Kansas, Arkansas, North Carolina, Maryland, Florida, Wyoming, Arizona, Connecticut, North Carolina, Ohio, Georgia, Oklahoma and others who have taken the initiative? This is a fairness issue. This is not an egregious misuse, as we have heard it termed, of funds. It is a fairness issue to all the Members and to all the local communities and to safety improvements in these small airports across our Nation.

The rule is fair. It could not be a fairer rule, to take time to debate this issue on which we disagree. We agree on the larger part. I have worked with the gentleman from Minnesota (Mr. OBERSTAR). He is one of the champions in the House of safety and the trans-

portation improvements, infrastructure improvements across the Nation. The gentleman from Illinois (Mr. LIPINSKI), the ranking member, he does an excellent job working together. We disagree on this one issue. I view this as a fairness issue. I view this as a Washington knows best, knows all and will-tell-you-exactly-how-to-do-it issue, and that is not fair.

Let us be fair. I think we need to oppose the Oberstar amendment. We need to first pass this rule which again allows for open, free, fair debate. Again I commend the Rules Committee on that. I ask first that we pass the rule and then that we oppose the Oberstar amendment and that we allow again local governments to do what they know is best and that is make those safety improvements and not be penalized for having made good decisions in the past.

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

I just want to respond to something that the gentleman from Florida said. He praised the Rules Committee for the new openness and condemned past rules that have been more restrictive.

I just want to say to the gentleman that wait until the next rule that is coming up on the Trade Adjustment Act. It is probably one of the most restrictive, antidemocratic rules that I think I have ever seen in my life. It is so restrictive and so strange, in fact, that the distinguished chairman of our committee, the gentleman from California, last night said that what the committee was doing was unprecedented.

I hope that given the fact that the gentleman has expressed his support for open and more democratic rules, that he will be on the floor fighting the defeat of that rule when it comes up later today.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Florida.

Mr. MICA. I appreciate what the gentleman said. Possibly he views this rule in a different light. The gentlewoman from Ohio (Ms. PRYCE) and I were here in a different era and we saw much more oppressive operations of the Rules Committee.

Mr. MCGOVERN. I reclaim my time. You ain't seen nothing yet until you have seen the rule that is going to come up this afternoon, believe me.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a member of the Committee on Transportation and Infrastructure.

□ 1145

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in favor of this rule. It is a breath of fresh air that we are getting this kind of fair and open rule from the Republican majority. But I also rise to support the amendment to be offered by the gentleman from Minnesota (Mr. OBER-

STAR), the ranking member, which seeks to prevent the diversion of funds from the Airport Improvement Program.

Like the ranking member, I am not opposed to the underlying provisions of the bill, which seek to expand the eligibility of the AIP program to include future construction of contract towers. I am, however, opposed to allowing airports to be reimbursed for work that has already been completed by airport improvement entitlements that are due for others in the future.

As a matter of equity, the 26 airports that would be eligible for reimbursement had no reasonable expectations that Federal funds would cover construction of their contract towers. If we now allow these airports to recover their costs under this AIP program, it sends the message to other airports that any contract fairly entered into with the FAA can be overturned when they get ready, if they can muster the support in Congress. So it is a matter of principle.

I also understand that the 26 airports that are eligible to be reimbursed have an estimated \$252 million in safety, security and capacity needs. If future airport improvement entitlements are diverted to work on contract towers that have already been completed, these 26 airports could face a major funding shortfall in the future.

Essentially what this amendment seeks to do is prevent these 26 airports from double-dipping from their short-sighted attempt to mortgage their future. I ask my colleagues to support the Oberstar amendment and to oppose final passage if the Oberstar amendment is not adopted.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the distinguished gentleman from Montana (Mr. REHBERG) a freshman Member of this body and a great addition, as well as a member of the Subcommittee on Aviation.

Mr. REHBERG. Mr. Speaker, I thank my colleague very much for yielding me time.

Mr. Speaker, I want to stand today in favor of the rule, I think it is a fair rule, but definitely in opposition to the Oberstar amendment.

Let me lay out a scenario for you. I do not know about the other 25 airports that are under consideration, but I can tell you about one in the State of Montana. Over the course of the years, and we can debate whether it is because of mismanagement of our forests or whatever you want, we have more forest fires than we ever had before. Starting in 1988, we have had practically a forest fire every single year, and, in fact, in the year 2000, we got up to 1 million acres of Montana burned. This last year Glacier Park was on fire.

We have an airport called the Glacier International Airport near Glacier Park, it is in Kalispell, Montana, that has 100 airplanes that fly every day. We are not talking about small planes, we

are talking about large planes, because it is a destination point.

Unfortunately, during the fire season that increases to 200 a day. And what are the other 100? They are bombers, they are tankers, they are helicopters. Now, envision for a minute, you are in the mountains, you are at 10,000 feet, you are flying around as a private pilot, and you have got helicopters and bombers going around dropping their retardant, going back to the airport, going up in the air, going back to the airport, going up in the air, and you are a traveler in the middle of all of this. And do you know what happened? They did not have a tower. The Federal Government would not help them build a tower.

So this last year, finally, after all these years of fires, this small community came to the conclusion, for the safety of the air traveler and because the Federal Government was not helping them, they would go ahead and tax themselves to build this tower.

Now, what were they using for a tower before? Every time these fires started, the Forest Service and the FAA would bring in a trailer, and the FAA would charge the Forest Service for this trailer. So this community not only made the decision to increase their own safety aspects, but they also saved the Federal Government the charges of having to bring that trailer in every year, displace workers, try and deal with the safety aspects of fighting those fires.

It is only fair that we recognize the construction costs of the safety aspect of this small community, because it is something that the Federal Government did not do and they did for themselves.

So, if nothing else, if you are looking at it from a fiscal standpoint. If you are trying to save the Federal Government some dollars, this small community, by having built this control tower, did, in fact, save the money. They should be reimbursed for it, and then they ought to be patted on the back for taking the initiative to save lives, rather than slapped in the face by the amendment that is a one-size-fits-all, and it might fit the other 25, but it certainly does not fit the case that I have laid out today.

I thank the gentlewoman for this opportunity. I hope we will pass the bill, I hope we will pass the bill offered by the gentleman from Mississippi (Mr. WICKER), and I hope we will defeat the Oberstar amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), a member of the Committee on Transportation and Infrastructure and the ranking Democrat on the Subcommittee on Aviation.

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

First of all, I want to say I agree with about 99 percent of this bill, but there is 1 percent of the bill I do not agree with, and that, of course, is the portion of the bill that gives a reim-

bursement to these airports who built towers, knowing full well that the Federal Government was not going to pay for the construction of these towers.

In AIR-21 we passed the law saying that if a local airport, a small local airport, wanted to build a tower, the Federal Government would then pay for the contract air traffic controllers. That was the law. That is still the law today.

What we are doing here really is changing the rules of the game after the game has been played. These local small airports signed an agreement with the FAA saying that they would build the local tower with their money, knowing full well they would never get reimbursement for it, if the FAA would pay for the contract air traffic controllers. That is what has happened.

These small airports receive about \$150,000 a year from the AIP fund. If we grant them reimbursement, they will be spending their AIP money for the next 7 or 8 years on something that they constructed a number of years ago.

The worst part of this piece of the legislation is the fact that these same airports have requested \$258 million in security improvements because of 9/11. If we do not pass the Oberstar amendment, that means that these airports will not be able to make any security improvements, which they contend they need to the tune of \$258 million, until they have been fully reimbursed for their towers that they never had any expectation for being reimbursed for. So, to me, the most reasonable, practical, fair thing to do is pass the Oberstar amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Kansas (Mr. MORAN), another member of the Subcommittee on Aviation.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am happy to rise today in support of this legislation and of the rule. It is unusual for those of us who are Members of the Committee on Transportation and Infrastructure to be here today in controversy. We almost always resolve our differences before we reach the House floor, and in this case we were unable to do so.

Unlike the gentleman from Illinois, I find support for 100 percent, not just 99 percent, but 100 percent of this legislation, and in particular I would like to highlight the importance of the contract tower program to places across the country, especially places in rural America where contract tower services provide the only air traffic control that our passengers or airlines have.

An example is the community in my district, Garden City, Kansas, population approximately 30,000 people. It has commercial service eastbound to Kansas City, westbound to Denver, and a general aviation component that is significant as well. They are a contract tower city, which means that the Fed-

eral Government does not have to pay for all of its tower services, and that community made a decision, prior to passage of AIR-21, in support of a contract tower. The tower is built.

All this bill does, in addition to supporting contract towers generally, is allow places like Garden City, Kansas, to utilize money that they would receive anyway. They are an entitlement airport, will receive approximately \$1 million of AIP funding, entitlement funding, and they have the option, if they so choose, unless the gentleman's amendment passes, they have the option, the flexibility to decide our highest priority is to pay for the contract tower previously built.

It has \$1 million coming to Garden City's airport regardless, and this legislation that allows them to be reimbursed does not detract from any other airport in the country. It does not take any money from the airport in any other community. It simply allows the community of Garden City or any other community that has built a contract tower prior to the passage of AIR-21 to use money they are going to receive anyway for purposes of reimbursing the city for that contract tower construction.

It is an issue that allows local units of government, our local airports, the flexibility to decide where their priorities are, and does not take money away from any other community. I do not know whether my community would choose that or not, but I believe in that flexibility.

Support the rule, support the bill, and oppose the amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, just in response to the previous speaker, we are talking about \$150,000 a year would be the allocation. The towers cost over \$1 million. So you are basically talking about 8 to 10 years of the allocation that will be diverted from safety, security and other issues for a retroactive, unanticipated reimbursement for an unqualified project.

Now, we could do this pretty broadly. There is a whole lot of things airports have done out there that were not qualified that were expensive projects. My city of Eugene is still paying for their terminal expansion. Maybe we ought to qualify those sorts of things, because they did it before we authorized PFCs. We could change the Highway Trust Fund to reimburse a whole host of State and local projects that are not currently eligible.

The point is there is a limited amount of money to do an extraordinary amount of work, and particularly in these days we are very concerned about the safety and security issues. These airports, with this retroactive, unanticipated dedication of their AIP money for 8 to 10 years, a lot of that work will not get done for 8 to 10 years. Yes, it will be a little bit of a windfall they did not anticipate, but,



unfortunately, a whole lot of other needs will go unmet, maybe critical security needs, which may lead to another disaster.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. BOOZMAN), a member of the Subcommittee on Aviation.

Mr. BOOZMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would like to commend the gentleman from Mississippi (Mr. WICKER) for introducing H.R. 1979 for which I am a proud cosponsor. The Small Airport Safety, Security and Air Service Improvement Act would change the law to allow small airports to not only use their AIP money to build a new or replacement FAA contract tower, but also to use AIP funds to equip their tower facilities.

This legislation is very important to my rural Third District of Arkansas. Currently I have three contract towers in my district located at the Fayetteville, Springdale and Northwest Arkansas Regional Airports. In addition, a fourth airport in my hometown of Rogers, Arkansas, has recently begun construction on their tower. What is amazing is all of these airports are within a 30-mile radius of each other.

We have been blessed with a booming economy in this part of the State, and, therefore, we have a large volume of business travelers. Rogers Airport is the second busiest airport in the State in terms of flight Operations, and Northwest Arkansas Regional Airport is the second busiest airport in the State in terms of passengers. With four very busy airports all within a very close proximity, we have extremely crowded airspace. Most of the flights coming into my airports originate from large hubs. The planes are passed from FAA towers to airports that generally do not even have radar screens.

□ 1200

Mr. Speaker, H.R. 1979 would allow the airports of the third district of Arkansas who operate under a visual flight rule to use their AIP funds to acquire the terminal radar displays which they so desperately need to monitor the busy airspace. I fly home almost every weekend, and each time I am thankful that my airports had the visionary foresight to build contract towers. They have increased air safety exponentially with the addition of the towers.

I fully support H.R. 1979, which would give local authorities the ability to use their AIP money to fund the construction, renovation, and equipage of their contract tower.

Allowing airports to use their AIP money for contract towers promotes local control and advocates safety. Who knows the needs of our airports better than the local airport managers? I hope all rural districts can benefit from the contract towers as my district has.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As we sum up the debate on the rule, again, I think this is a fair rule, as the major question under consideration, the major amendment that will be before us has been given the opportunity for full, open, fair consideration in a responsible fashion by the Committee on Rules. So I ask my colleagues to support this, again, fair rule. If anyone knows of any amendments that were not allowed to be considered, come forth now and speak, but otherwise forever hold your peace, because this was done in a fair and open manner.

The major amendment that will be considered and the major controversy on an otherwise noncontroversial bill is again the question of reimbursement. I cannot think of anything more classic than this issue. This has been the debate since the beginning of this Republic, and that is how much power should be made in Washington, if Washington knew best or local people knew best.

Did my colleagues hear the plea of the last freshman representative, the gentleman from Arkansas (Mr. BOOZMAN)? He came up and he said that the local representatives, the local people knew best what to do with their funds. That is the basic question here: Do local people know how to use their funds?

Then we heard someone from the opposing side say, "use up all of 'their' money." That is really what we are talking about. It is their money, and letting them make their decisions, and tie up their funds, again using the term used by the other side, for 8 or 10 years. Well, heaven forbid that Washington should let local representatives, local elected officials, and local communities decide on how to use their money.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. MICA. Mr. Speaker, if I have enough time, I will respect the gentleman's request; but let me finish, because I am on a very good roll here.

Mr. OBERSTAR. Mr. Speaker, the gentleman is; I can see that. That is why I wanted to talk with the gentleman.

Mr. MICA. Mr. Speaker, we also heard from the other side "unqualified project." I wrote it down and I put quotes around this, "to fund and pay for an unqualified project."

Now, if anyone knows of any air traffic control tower that has been built, again, we heard the other side say that they are built with FAA approval, if they know an unqualified project, I want them to come forward and present it before the House at this time, because it is my understanding,

and again the other side has said that these are FAA-approved towers, and they would have to be FAA-approved towers to be built for air traffic control purposes, but they were termed as "unqualified projects." I think that is unfair, because a local community has produced a qualified project, taken a local initiative, and then they want to decide what to do with their money in the future. If it is to pay off the wise decision that they made in the past, why should we in Washington stand in their way?

Then, one other issue that was brought up here about the use of AIP funds from the distinguished ranking member on the subcommittee, and he said, this could harm the use of AIP funds for security improvements. Well, I say to my colleagues, we are in very bad shape if we use all of our AIP funds when Washington dictates for security improvements and require local governments to make those improvements in these local communities.

Mr. Speaker, may I inquire as to the amount of time remaining on this side.

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentlewoman from Ohio (Ms. PRYCE) has expired.

Mr. MICA. Mr. Speaker, I have much more, and I am sorry I did not get to yield to the gentleman.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR) so that he can engage in and continue the discussion.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the distinguished chairman if he believes in the sanctity of contracts. When one signs an agreement, when one signs a contract, does one live up to it?

Mr. MICA. Yes.

Mr. OBERSTAR. Yes. And I think that happened here, as the gentleman full well knows.

Mr. MICA. Mr. Speaker, if the gentleman will yield, this is a question of paying for the contract.

Mr. OBERSTAR. Mr. Speaker, let us throw out all of the other extraneous matters. These airport authorities signed an agreement with the FAA. This is not about Federal dollars, local dollars, who is in charge or whatever. They signed an agreement that said they will build the tower; the FAA will operate that tower. They entered into it, full well knowing that they had to pay that cost.

Now, we are about to give them a windfall benefit. That is not right, and the gentleman knows that.

Mr. MICA. Mr. Speaker, if the gentleman will yield, I would agree with the gentleman, and they have signed that contract, they have made that improvement. But I think that they are also entitled to take their money for the future and pay off any obligations that they have incurred.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, that is what the underlying bill does, and for the future, but not for the past.

Mr. MICA. And we do not want to penalize them for their past positive actions.

Mr. OBERSTAR. No. We want them to live up to their contract. That is the point.

Furthermore, the reason that the tower was not approved to be built with FAA funds is that it did not meet FAA benefit cost requirements.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I appreciate the gentleman yielding on this question of a contract, because I think that is going to be the subject of a lot of debate during his amendment.

There is no question that we can hold these people to this contract; but I think the question for this House is, is it fair to hold to a contract under the law as it was, an airport that did the right thing, that said, we are going to do what is necessary for public safety?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, they entered into an agreement fully knowing what that entailed; and if the gentleman from Mississippi and I enter into an agreement for me to buy his car, and I come back and say, gee whiz, I paid too high a price for that car; can the gentleman cut it back? The gentleman would say, wait a minute, you agreed to that price. Pay me the price.

Mr. WICKER. Mr. Speaker, if the gentleman will yield further, I am not sure that analogy is exactly correct.

I would just say this. The gentleman is exactly right. We have the weight of the Federal Government, and we can hold them to that contract if we want to. I do not think it is fair, and I think that is what the majority of the committee was saying.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, it is fair because, in the first place, that tower cannot qualify for the tower program. It did not meet the benefit-cost analysis. The airport authority knew it, and said, we will build the tower, and you operate it, Federal FAA; and that is what is at issue.

For the future, going forward, I think the underlying bill is appropriate, and I told the gentleman that a year ago.

Mr. WICKER. Well, that is what we will have the debate about on the Oberstar amendment.

Mr. OBERSTAR. Mr. Speaker, it will be on a high principle that will affect all of future transportation issues within the purview of this Committee on Transportation and Infrastructure.

Mr. McGOVERN. Mr. Speaker, can I inquire of the Speaker how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) has 8 minutes remaining, and the time of the gentleman from Ohio (Ms. PRYCE) has expired.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time, and I think I am going to close then.

Mr. Speaker, the Committee on Transportation and Infrastructure has a long history of working together to

produce bipartisan legislation. The ranking member of the committee, the ranking member of the Subcommittee on Aviation, has only one problem with an otherwise good bill. This bill includes a provision that is nothing less than a government windfall for a small number of airports. These airports never expected, nor sought, Federal funding for building these towers. In fact, these airports explicitly agreed not to seek Federal funds. This should be a good bipartisan bill, and it still can be if we enact the Oberstar amendment.

So I would urge my colleagues to support the rule, which is open; to support the Oberstar amendment and, if the Oberstar amendment fails, I would urge my colleagues to vote "no" on the final passage of this bill.

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

The SPEAKER pro tempore. All time having been yielded, without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 240]

YEAS—419

Abercrombie	Boswell	Crane	Evans	Langevin	Rehberg
Ackerman	Boucher	Crenshaw	Everett	Lantos	Reyes
Aderholt	Boyd	Crowley	Farr	Larsen (WA)	Reynolds
Akin	Brady (PA)	Cubin	Fattah	Larson (CT)	Riley
Allen	Brady (TX)	Culberson	Ferguson	Latham	Rivers
Andrews	Brown (FL)	Cummings	Filner	LaTourette	Rodriguez
Armey	Brown (OH)	Cunningham	Flake	Leach	Roemer
Baca	Brown (SC)	Davis (CA)	Fletcher	Lee	Rogers (KY)
Bachus	Bryant	Davis (FL)	Foley	Levin	Rogers (MI)
Baird	Burr	Davis (IL)	Forbes	Lewis (CA)	Rohrabacher
Baker	Burton	Davis, Jo Ann	Ford	Lewis (KY)	Ros-Lehtinen
Baldacci	Buyer	Davis, Tom	Fossella	Linder	Ross
Baldwin	Callahan	Deal	Frank	Lipinski	Rothman
Ballenger	Calvert	DeFazio	Frelinghuysen	LoBiondo	Royal-Allard
Barcia	Camp	DeGette	Frost	LoBiondo	Royce
Barr	Cannon	Delahunt	Gallegly	Lofgren	Rush
Barrett	Cantor	DeLauro	Ganske	Lowey	Ryan (WI)
Bartlett	Capito	DeLay	Gekas	Lucas (KY)	Ryan (KS)
Barton	Capps	DeMint	Gephardt	Lucas (OK)	Sabo
Bass	Capuano	Deutsch	Gibbons	Luther	Sanchez
Becerra	Cardin	Diaz-Balart	Gilchrest	Lynch	Sanders
Bentsen	Carson (IN)	Dicks	Gillmor	Maloney (CT)	Sandlin
Bereuter	Carson (OK)	Dingell	Gilman	Maloney (NY)	Sawyer
Berkley	Castle	Doggett	Gonzalez	Manzullo	Saxton
Berman	Chabot	Dooley	Goode	Markey	Schaffer
Berry	Clay	Doolittle	Goodlatte	Mascara	Schakowsky
Biggert	Clayton	Doyle	Gordon	Matheson	Schiff
Bilirakis	Clement	Dreier	Goss	Matsui	Schroock
Bishop	Clyburn	Duncan	Graham	McCarthy (MO)	Scott
Blagojevich	Coble	Dunn	Granger	McCarthy (NY)	Sensenbrenner
Blumenauer	Collins	Edwards	Graves	McCollum	Serrano
Blunt	Combest	Ehlers	Green (TX)	McCrery	Sessions
Boehlert	Condit	Ehrlich	Green (WI)	McDermott	Shadegg
Boehner	Conyers	Emerson	Greenwood	McGovern	Shaw
Bonior	Cooksey	Engel	Gutierrez	McHugh	Shays
Bono	Costello	English	Gutknecht	McIntyre	Sherman
Boozman	Coyne	Eshoo	Hall (OH)	McKeon	Sherwood
Borski	Cramer	Etheridge	Hall (TX)	McKinney	Shimkus
			Hansen	McNulty	Shows
			Harman	Meek (FL)	Shuster
			Hart	Meeks (NY)	Simmons
			Hastings (FL)	Menendez	Simpson
			Hastings (WA)	Mica	Skeen
			Hayes	Millender-McDonald	Skelton
			Hayworth	Miller, Dan	Slaughter
			Herger	Miller, Gary	Smith (MI)
			Hill	Miller, George	Smith (NJ)
			Hilleary	Miller, Jeff	Smith (TX)
			Hinche	Mink	Smith (WA)
			Hinojosa	Mollohan	Snyder
			Hobson	Moore	Solis
			Hoefel	Moran (KS)	Souder
			Hoekstra	Moran (VA)	Spratt
			Holden	Morella	Stark
			Holt	Murtha	Stearns
			Honda	Myrick	Stenholm
			Hooley	Nadler	Strickland
			Horn	Napolitano	Stump
			Hostettler	Neal	Stupak
			Houghton	Nethercutt	Sullivan
			Hoyer	Ney	Sununu
			Hulshof	Northup	Sweeney
			Hunter	Norwood	Tancredo
			Hyde	Nussle	Tauscher
			Inslee	Oberstar	Tauzin
			Israel	Obey	Taylor (MS)
			Issa	Olver	Taylor (NC)
			Istook	Ortiz	Terry
			Jackson (IL)	Osborne	Thomas
			Jackson-Lee	Ose	Thompson (CA)
			(TX)	Otter	Thompson (MS)
			Jefferson	Owens	Thornberry
			Jenkins	Oxley	Thune
			John	Pallone	Thurman
			Johnson (CT)	Pascarell	Tiahrt
			Johnson (IL)	Pastor	Tiberi
			Johnson, E. B.	Paul	Tierney
			Johnson, Sam	Payne	Toomey
			Jones (NC)	Pelosi	Towns
			Jones (OH)	Pence	Turner
			Kanjorski	Peterson (MN)	Udall (CO)
			Kaptur	Petri	Udall (NM)
			Keller	Phelps	Upton
			Kelly	Pickering	Velazquez
			Kennedy (MN)	Pitts	Vislosky
			Kennedy (RI)	Platts	Vitter
			Kerns	Pombo	Walden
			Kildee	Pomeroy	Walsh
			Kilpatrick	Portman	Wamp
			Kind (WI)	Price (NC)	Waters
			King (NY)	Pryce (OH)	Watkins (OK)
			Kirk	Putnam	Watson (CA)
			Kleczka	Quinn	Watt (NC)
			Knollenberg	Radanovich	Watts (OK)
			Kolbe	Rahall	Waxman
			Kucinich	Ramstad	Weldon (FL)
			LaFalce	Rangel	Weldon (PA)
			LaHood	Regula	Weller
			Lampson		Wexler



Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)

Wolf  
Woolsey  
Wu  
Wynn

Young (AK)  
Young (FL)

## NOT VOTING—15

Bonilla  
Chambliss  
Cox  
Grucci  
Hefley

Hilliard  
Isakson  
Kingston  
Lewis (GA)  
McInnis

Peterson (PA)  
Roukema  
Tanner  
Traficant  
Weiner

□ 1233

Messrs. PAUL, BARTLETT of Maryland, and MOLLOHAN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRUCCI. Mr. Speaker, had I been present, I would have voted in the affirmative on rollcall No. 240, on H. Res. 447, the rule providing for the consideration of H.R. 1979, Airport Safety, Security and Air Service Improvement Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 447 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1979.

□ 1233

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, with Mr. GIBBONS in the chair.

The Clerk read the title of the bill.

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

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

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

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, it is my intent to yield to the gentleman from Florida (Mr. MICA), subcommittee chairman, the balance of my time after I make my opening statement.

Mr. Chairman, we all know that safety is enhanced when air traffic controllers guide the planes through the skies and onto the runway. However, many smaller airports lack an air traffic control tower. As a result, passengers and pilots do not benefit from the safety enhancements provided by air traffic controllers. Pilots are on their own, responsible for seeing and avoiding other planes.

Currently, the FAA is responsible for building the towers that house the con-

trollers. However, FAA facilities and equipment budget is not large enough to pay for the construction of towers at many smaller airports. Yet many of these smaller airports have commercial passenger service or serve as a very active general aviation airport. These passengers and pilots are entitled to the same level of safety as those used in the larger airports.

Recognizing that FAA's construction budget is limited, many smaller airports are willing to use their Airport Improvement Program, AIP, grant money to build the tower. However, under current law, contract tower construction is not listed as eligible for funding under the AIP program.

This bill would change the law to allow AIP money to build a new or replacement tower and to equip that tower. The FAA could then contract with a private company to actually operate the tower. The FAA now contracts with private companies to staff towers at 217 airports in 46 States.

This contract tower program has benefited from consistent bipartisan backing in Congress. Its track record at small airports shows that it improves air safety, efficiency and security; enhances regional airline service in rural areas; provides significant savings to the FAA in air traffic control costs; and increases economic productivity in smaller communities nationwide.

Further, the program's track record has been validated in several comprehensive audits by DOT's Inspector General and is endorsed by participating airports and aviation system users.

Given the benefits and support for the contract tower program, additional actions to enhance it are warranted. By opening up another source of funding for tower construction, this bill will enhance the existing contract tower program and increase safety at small airports.

It does not cost the Federal Government any additional money because the AIP grant money is already provided for in AIR-21. The bill merely gives the airport and the FAA another purpose, tower construction, for which this grant money can be used.

I urge my colleagues to support it.

Mr. Chairman, I yield the remainder of my time to the gentleman from Florida (Mr. MICA), the subcommittee chairman, for the purposes of control.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. MICA) will control the remainder of the time.

There was no objection.

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

I rise today regarding H.R. 1979, the Small Airport Safety, Security and Air Service Improvement Act of 2002. As noted by the previous speaker, the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full committee, I also would like to compliment at this time the chairman of the subcommittee, the gentleman from

Florida (Mr. MICA), for the great cooperation that I always receive and the entire Democratic side receives from him and his staff on all aviation matters.

As the gentleman from Alaska (Mr. YOUNG) said, this measure allows small airports to use Federal Airport Improvement Program funds to construct and equip privately operated contract towers. Under current law, these grants cannot be used to construct airport control towers not operated by FAA air traffic controllers.

I, along with every other Democratic member on the Committee on Transportation and Infrastructure, am supportive of the primary provisions of H.R. 1979 to simply authorize the use of Federal funds to support the building of new towers. However, this measure also includes a provision that retroactively reimburses towers that were constructed under an express agreement that the Federal Government would pay the cost of staffing the towers but not the construction costs. I want to run that by everyone once again. Under this agreement, the Federal Government would pay the cost of staffing the towers but not the construction costs.

The gentleman from Minnesota (Mr. OBERSTAR), my colleague and the ranking member of the full committee, is going to offer an amendment that would eliminate the provision for retroactive reimbursement and keep the funds available for new airport projects to enhance safety and security. These 26 towers that have been built since 1996 cost on an average about \$1.3 million. Therefore, the retroactive reimbursement provision of H.R. 1979 provides about \$30 million in funding for work that has already been completed, despite the fact that these airports have hundreds of millions of dollars of unmet safety and security needs.

By using their AIP entitlement money, which is a maximum \$150,000 a year, these airports could be drained of entitlement funds for almost a decade, funds that should be used on safety, security and capacity enhancement improvement projects.

In addition, these 26 airports have identified and requested from the Federal Aviation Administration a total of \$258 million in Federal funding for the future AIP-eligible projects, including AIP-eligible security projects needed in the wake of September 11.

If H.R. 1979 is enacted and allowed, retroactive reimbursement funds will not be available for needed safety and security projects. When we offered the amendment to strike the retroactive reimbursement provision in the committee, it was supported by all 34 Democratic members of the committee. If the provision for retroactive reimbursement is stricken by the Oberstar amendment, we will support the bill.

I urge Members on both sides of the aisle to pass a clean, fair bill, by supporting the Oberstar amendment to

strike the unfair retroactive reimbursement position.

I am also asking Members to oppose any amendment that would weaken the AIP program, which is intended to pay for infrastructure costs, not operating costs.

In closing, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) for their work on this measure. Hopefully, we can pass a clean bill today with bipartisan support that rewards those airports that play by the rules.

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

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

Mr. Chairman, let me just comment in general on this legislation, and it is noncontroversial for the most part. It is legislation which will allow our small airports to receive Federal grants to build air traffic control towers. The construction of a control tower at these small airports provides important safety benefits, as controllers in the tower prevent planes from running into one another. So there is probably no more important use of Federal funds or funds from the AIP fund.

Many small airports have commercial air service or are active for general aviation facilities, but at some of these airports there is today no air traffic control tower. This means that there are no air traffic control controllers to guide planes safely through the sky or along the runways. Pilots are on their own, responsible for themselves and for seeing and avoiding other planes.

Unlike larger airports across the country where the FAA will build a tower, smaller airports will only get a tower if they build it themselves. Yet many lack the resources to do so, and that is why this legislation is important. We change the law, we change the rules, and we allow the Federal assistance in that effort.

The Federal assistance will come entirely from the Airport Improvement Program, and the Airport Improvement Program, AIP, is funded by taxes on airline passenger and other aviation users. No general taxpayer funds will be used to support this program.

Currently, the AIP program is used to pay for a variety of infrastructure improvements at our airports.

□ 1245

But air traffic control tower construction, unfortunately, is not one of them, despite the obvious safety benefits provided by air traffic control.

This bill will allow primary passenger airports to use their AIP entitlements to build control towers. General aviation airports could use both their AIP entitlements as well as their AIP money allocated to the States for this particular purpose. In addition, limited reimbursement would be allowed for airports that have taken the

initiative to build towers prior to the date of enactment.

We believe that is a fairness issue. The minority has an amendment that will be heard in opposition, and we will get into the details of our opposition to the amendment they are proposing to strike this particular reimbursement provision.

This is a bill that will increase safety at many of our smaller airports across the country. It is entirely voluntary. No airport is required to use their grant money to build a tower, but for those who want to use it, for those who have made the improvement on a limited basis, it will provide important safety benefits and Federal assistance in making those improvements.

The bill was developed by the Committee on Transportation and Infrastructure in a bipartisan fashion and, again, except for the reimbursement issue, has broad bipartisan support, and I want to thank the gentleman from Mississippi (Mr. WICKER) for taking the initiative in introducing this important legislation.

I would also like to express my appreciation to the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), who worked closely with the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), on the issue. I would also like to thank the ranking member of my subcommittee, the gentleman from Illinois (Mr. LIPINSKI), for helping to move this legislation along.

I urge the passage of the legislation without the Oberstar amendment.

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

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank the gentleman from Illinois for yielding me this time, and I rise in opposition to the legislation as written, and I am in support of the Oberstar amendment.

Mr. Chairman, this is an exception to the usual bipartisanship that we usually have on the Subcommittee on Aviation. I think the history proves that. But H.R. 1979 allows small airports to use their Airport Improvement Program grant funds to build contract towers.

Airports have signed contracts since 1996. These are contracts. Now what those 27 airports want to do is have us change the rules so that they become eligible for construction funds. This is pretty simple. The game is over, and they want to change the rules.

I am a supporter of the contract towers program, as all of us are. The program provides worthy safety benefits to small communities and airports. However, the element of this bill I must rise to oppose is the use of the AIP funds to repay airports that have already built or contracted to build air traffic control towers. When an airport goes into contract with the Federal

Government and agrees to build a tower, the terms of the agreement are clearly stated. If you build a tower, we, the Federal Government, will staff and operate it. This legislation ignores the agreement and changes it retroactively.

It is a mistake to use the sparse money, the sparse resources that we do have to provide reimbursement to airports that built or equipped contract towers. These airports knew full well what was at stake when they agreed to build the tower, Mr. Chairman. We had a deal, and there is no logical reason why either party should go back on that deal right now. There should be no reasonable expectation of reimbursement.

AIP funds are short enough as it is without funding previously constructed towers. Safety, security, and capacity enhancement improvements at these airports would suffer by being unable to access the AIP funds for possibly several years.

A further problem with the reported bill is that it does not require airports seeking reimbursement to have complied with all of the statutory and regulatory requirements that apply to an AIP project. I do not think that is acceptable. If it is good for one, it is good for all. If we are to change the rules, change all the rules.

Under this flawed bill, there can be reimbursement from the AIP for construction that did not comply with six Federal statutes, including the Fair Labor Standards Act. This is not chopped liver. This is important here. The Fair Labor Standards Act was not complied with. It is not fair that many properly funded towers were built in compliance with all Federal laws, but those that were not can get a windfall nonetheless.

Finally, in preparation of FAA reauthorization next year, the House must not set a precedent for reimbursement of airport projects. Passing this legislation is a slippery slope to reimbursing projects in a host of categories. We must focus Federal assistance through the AIP on supporting future improvements, not on the past.

Mr. Chairman, I ask my colleagues to oppose this legislation and support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the underlying legislation and in opposition to the amendment that will be offered by the gentleman from Minnesota (Mr. OBERSTAR) at a later time in this debate.

This bill was originally introduced by the gentleman from Mississippi (Mr. WICKER). I think it is an outstanding piece of legislation as drafted. It would allow small airports to use their Airport Improvement Program, AIP, grant money to build or equip an air traffic control tower that would be operated

under the FAA's contract tower program.

As everybody knows in America, Florida is one of the most rapidly growing States in the Nation, along with many others, including Nevada, Arizona, and Texas. In particular, in the State of Florida, central Florida is one of the more rapidly growing regions in the State. I happen to have two airports in my congressional district that are experiencing a tremendous increase in demand.

Having labored for years to try to get funding through the routine system for another air traffic control tower in another city in my district, and I can just say that one of them is the Titusville-Cocoa area airport, and the other is the airport in Kissimmee that we really have problems with.

We have problems in the State of Florida with building towers, replacing old antiquated towers with new towers, and I see this as a little bit of a light at the end of the tunnel. I think it needs to be approved out of the House. I would strongly encourage, particularly all my colleagues who are in rapidly growing areas, to oppose the Oberstar amendment.

In particular, I want to say that this really is, for me personally, about safety. We have a tremendous issue with small planes mixing in with commercial aircraft. We have had accidents in my congressional district where people have died. So I would highly encourage a "no" on the Oberstar amendment and support of the underlying legislation.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

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

The base bill, H.R. 1979, Small Airport Safety, Security and Air Service Improvement Act, is an excellent piece of legislation. It will expand AIP eligibility criteria to allow small airports to construct and equip air traffic control towers and to participate then in the contract tower program.

Now, if we stuck with current law, the FAA might or might not fund some of these projects. I have been trying to get one funded in my district where there is a strong need. It would be many years before they could meet the need because they have much more pressing requirements on their availability of funds for the largest airports. So an expansion, as envisioned in this bill, is good.

In fact, for example, we heard earlier about the issue of firefighting. I will talk about in my district the airport that now has had substantial recurring growth which merits a contract tower in Coos Bay-North Bend. Actually, a few years ago, we had a tanker go aground, and we were up to 300 operations a day between the Coast Guard and other people who were involved in that recovery operation. And so the National Guard had to bring in a temporary control tower. We could not safely operate the airport.

Since that time, traffic has grown because of construction of two fabulous new golf courses down in Bandon and general growth of the community and some improved commuter service to Coos Bay-North Bend. So they very much want to go ahead, but it is also a community that suffers high unemployment and does not have a tremendous amount of available capital. So this program will work well for them. They can go ahead with the contract tower. They can bond it by being able to demonstrate that they will have the cash flow to pay off the bonds.

The only dissident note here is the retroactive reimbursement of communities who have already paid for towers. Now, I was a little confused by the gentleman before me because he said Members in rapidly growing areas should oppose the Oberstar amendment. No, actually, the opposite is true. Members from rapidly growing areas should support the Oberstar amendment and support the overall bill, because the Oberstar amendment is about retroactively reimbursing communities that have already paid for contract towers.

And as we heard very eloquently, the gentleman before me from New Jersey explained how unfair this would be, particularly in terms of normal Federal contracting process, capability and eligibility of AIP funds, and a host of other issues. And as I spoke earlier, it is also a safety and security issue.

These airports that do not have now and need to fund the tower, they have already funded it, but do have pressing security capacity and safety needs, would be diverting those funds from the security, safety and capacity to retroactively reimburse themselves for money that they never expected and, in fact, signed a contract saying they knew they would not be reimbursed for.

We are changing the rules of the game. If we are going to start doing that with trust funds, whoa, we have a lot of bridges that could use some reimbursement and a few other things I would like to sell my colleagues here.

This is a very bad precedent. These communities did not expect and do not now need to be reimbursed. We should not jeopardize the program or the bill in that way, because I understand there is substantial Senate opposition to that provision. We should go forward with the base bill, which will help rapidly growing communities, which will help secure their air safety in the future and help them move forward with the contract tower program.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman for yielding me this time.

In February 2000, our Chicago area lost one of our most beloved and charismatic personalities. For years, Bob Collins delighted listeners on the most popular Chicago radio station, WGN.

An avid pilot, an aircraft expert, a leading advocate of general aviation,

Bob was lost in a tragic midair collision near Waukegan Airport in my district. Two others lost their lives in the accident that resulted from inaccurate and insufficient information available to controllers at the airport.

Unfortunately, it took the death of a prominent and much admired figure in our community to wake up people to the woeful state of technology at the smaller general aviation airports. Waukegan quickly acted to upgrade its facility and installed the terminal radar display to dramatically reduce the risk of repeating the tragedy. We did not install a new \$2 million radar, we simply added a \$60,000 data port to bring the radar data in from O'Hare. Such an improvement is appropriate for all airports in the country, urban, suburban and rural, and we do not seek reimbursement for this improvement.

This legislation is crucial to bringing our aviation infrastructure into the 21st century. At a time when homeland security is of paramount importance, we have an opportunity to enhance our ability to monitor our air traffic situations and to do so for airports that currently do not have this capability.

□ 1300

We have to set aside parochialism, and I urge Members to adopt this legislation which will help new airports gain this capability over ones that already have it.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

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

Mr. Chairman, I want to raise my concerns about H.R. 1979, and signal my objections to the parts of it I believe should not be in the bill. I very much associate my remarks with what the gentleman from Oregon (Mr. DEFAZIO) and several other speakers said earlier.

As we have already heard, within the bill exists a provision which retroactively reimburses 26 small airports for building air traffic control towers. H.R. 1979, without the aforementioned provision, is a good bill. And if the provision is removed, I will be happy to lend my support to passing that legislation.

But by allowing these 26 airports to qualify for that reimbursement, the bill will significantly reduce the amount of Federal airport improvement funds that would be directed towards airport security and safety improvements. That is precisely what has happened to one of the airports within my congressional district, the Southeast Texas Regional Airport.

We tried our best to play by the rules. We took the time to go through the system, to win the support, putting off other priorities within our airport needs, to wait for our turn to build the air traffic control tower. We do indeed have a number of security issues that are facing us at that same airport.

Following through with what this bill is proposing right now would deplete the amounts available for significant security improvements which remain a priority for this Congress and this country. These 26 airports would also be reimbursed without demonstrating compliance with, as we have heard, Federal labor and environmental laws, including the Fair Labor Standards Act and the National Environmental Policy Act.

Mr. Chairman, why is it that some of us have to follow those rules and others apparently will not? That is not right.

As we have focused on providing the resources for airports to address the gaping security concerns in the aftermath of September 11, we have been bipartisan in our approach. This is an issue of security, and it does affect every citizen of this country who steps into an airport and onto an airplane. I urge Members to consider the consequences of shifting vital security funds to reimburse those 26 airports who chose to build their towers without the promise of recouping these funds.

We built ours with the assistance of this government's funding in southeast Texas, but we put off other priorities to allow it to happen. Allowing these 26 airports exemptions from current law is bad policy, and will set a precedent that will take us in the wrong direction.

I would hope that the House would find the collective wisdom to strike these provisions from the bill. I intend to support the Oberstar amendment to the bill; and if it carries, to support the legislation which has been put forth.

Mr. MICA. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN), a member of the subcommittee.

Mr. BOOZMAN. Mr. Chairman, I would like to commend the gentleman from Mississippi (Mr. WICKER) and the gentleman from Florida (Mr. MICA) for introducing H.R. 1979. I also would also like to state my sincere opposition to the Oberstar amendment.

One of the airports in my district, the Northwest Arkansas Regional Airport, otherwise known as XNA, would be eligible under the reimbursement provision to be reimbursed for their AIP entitlement funds for a portion of the costs they incurred when they built and equipped the tower.

AIP entitlement funds are allocated by law to these small airports. This is money that the airports have a rate to as a matter of the formula in the law to be used for any eligible purpose. Congress has wisely left the decision to local authorities as to an individual airport's use of the entitlement funds, and this provision simply gives local authorities another option as they contemplate the range of safety, security and capacity-enhancement needs at their facility.

From my calculations, XNA would be eligible to be reimbursed for roughly

\$177,000, which was the cost of equipping their tower. This may not seem to be a large amount of money, but we have experienced a 46 percent growth in passengers over the past 5 years and are the third-fastest-growing county in the Nation, so \$177,000 goes a long way towards improving and expanding the facility.

Although the tower at XNA is very small, it adds an incredible level of safety to the large volume of travelers, including myself, who utilize the airport. In northwest Arkansas, there are four airports located within a 30 mile radius of each other. As I mentioned, XNA is one of the fastest-growing airports in the country. While most airports experienced a detrimental decline in passengers after September 11, XNA continued to see a continued growth in traffic. Just a few miles away from XNA is the Rogers Airport, which is the second-busiest airport in the State in terms of flight operations. As Members can tell, the air space over northwest Arkansas is very crowded.

Mr. Chairman, the addition of contract towers has improved safety in my region exponentially because the towers allow the air traffic controllers to monitor the air space and give pilots the direction they need. If we do not allow our airports to be reimbursed from their entitlement funds, we will be penalizing them for having the foresight to invest in public safety. I urge Members to vote against this amendment.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

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

Mr. Chairman, I rise in strong opposition to H.R. 1979 in its current form unless the Oberstar amendment is adopted. H.R. 1979 would allow 26 airports to be reimbursed, about \$30 million for air traffic control towers already constructed. These projects date back to as far as 1996 and are projects that airports agreed to fund with no expectation of being reimbursed by the Federal Government. The agreement between the Federal Government and the airports was that if the airports funded the construction of the towers that the Federal Government would provide the air traffic control services.

If this legislation passes in its current form, it will remove \$30 million from the airport improvement program fund, a fund which is already strained. The AIP funds should be used to improve safety and security for our airports and not for reimbursing airports for towers which have been previously constructed.

Mr. Chairman, this legislation sets a bad precedent and will open the door for airport authorities to seek reimbursements for projects which are the responsibility of the local airports. I urge Members to support the Oberstar amendment. If the Oberstar amend-

ment passes, I will support the legislation. If it fails, I urge Members to strongly oppose and vote against H.R. 1979.

Mr. MICA. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), who is the author of the bill before us.

Mr. WICKER. Mr. Chairman, it seems that a number of Members from the other side of the aisle have come to the floor today and said, we oppose the bill in its current form and will vote for it only if the Oberstar amendment is approved.

I hope that we do not create the impression here on the floor of the House that this is strictly a partisan issue. I certainly hope it is not, because I want to thank the 21 Members of the House who are Democrats who have cosponsored the bill in its current form without the Oberstar amendment having been adopted. I certainly hope we can resist the Oberstar amendment and pass the bill in its current committee-approved form without adoption of the Oberstar amendment.

If I might, Mr. Chairman, I would like to quote from the minority views of the committee with regard to this bill. One portion of the minority views that I would like to quote is, "We support the concept of making contract air traffic control towers eligible for Federal assistance under the Airport Improvement Program." Indeed, Mr. Chairman, this has been said by Members of the other side of the aisle earlier today. It is a good idea to change the law to allow this. As a matter of fact, it has been stated by the leadership of the committee that, but for this small item of reimbursement, this would be unanimous, it might even go under suspension or unanimous consent. We are all under agreement that this change in the law should be made.

Further quoting from the minority views, "While we applaud the airports for their foresight and proactive steps to enhance safety, Federal funding is limited," referring to those airports who have taken the initiative, built the control towers, and are now saying treat us by the same rules being created today and allow us to use our entitlement of AIP for this purpose also.

The minority Members seem to be saying you did the right thing, you enhanced safety, and you are to be commended. However, we are not going to allow airports the opportunity to use their AIP money for this purpose.

Now the minority makes the point that Federal funding is limited, but I would strongly make this point: AIP money is an entitlement. It is a set amount, and we are not increasing or decreasing that in this bill. We are simply adding an allowed type of usage of the AIP money. So what we have this year and what we are seeing today is the government, the big Federal Government, coming in in the form of an action by the House of Representatives, and we hope by the other body

later on, and saying that, yes, we all agree, it is a good idea to change the purposes of the AIP and to add this additional usage of contract control towers. We are almost unanimous in doing so.

Yet, Mr. Chairman, there are airports who just got finished building their own contract towers, and they come in and say we did the right thing, Mr. Congressman. We took the initiative. We acted in a proactive manner; and they say, in effect, we hope we will not be penalized and hope to take some of that AIP money, if we so choose, and retire our bonded indebtedness.

□ 1315

I think the majority of the subcommittee and the majority of the committee saw it that way, and I believe a majority of this House will see it that way, too. This is money that the airports are entitled to use anyway. We are simply saying, yes, thank you for being proactive and enhancing safety.

People will say, well, you've got a contract. Well, the contract was signed because that is what the law said at that point. I would almost make the point, Mr. Chairman, that that contract was signed under duress. But we are saying as a Congress today, we can change the law, and we are saying on both sides of the aisle, we ought to change the law. We should change it. It is a good idea. It simply comes down to a question of fairness. We do not have to pass this bill today, Mr. Chairman. We certainly can hold these airports to this contract they signed under the old law. We can do it. The question is, is it egregious to let them out of their contract as my friend from Minnesota has said? Or is it fair to let them out of this; having changed the rules for everyone else in the country, for this little handful of airports, is it fair to hold them to that contract made under duress? I think most of the Members of this House today will say no, it is not fair. They will say that the committee version is correct, and they will resist voting for the Oberstar amendment.

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

In regards to some of the things that the previous speaker had to say, first of all, we do change the law around here quite often, but we change the law for the future; very, very rarely, if ever, for the past to the best of my knowledge. Here, unfortunately, a portion of this bill is changing the law for the past.

The previous speaker also said that we were just being fair to these airports. What about the other airports that would have gone ahead and built these towers if they knew that 5, 6, 7 years down the line, they were going to get reimbursed for those towers? I do not believe that is very fair to them.

Getting back to the airports who are going to be reimbursed because of a portion of this bill, remember, they only receive \$150,000 a year for AIP

funds. If we pass this bill in its present form, they are going to take 7 or 8 years of AIP money paying for this tower. The same group of airports have asked for \$258 million for safety and security in the future. It is going to be almost a decade before they get around to getting any money through the AIP program, unless you are planning on increasing the budget in the near future to see to it that they also receive moneys from the AIP fund for other things they are going to do in the future.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Chairman, I listened attentively to the gentleman from Mississippi, who is a very congenial, a very thoughtful gentleman with whom I had extensive discussions a year ago about this bill prior to his introduction of the legislation. I pointed out to him my reservations then. I pointed out the concerns about reimbursement to airports for towers built under conditions where the tower did not comply with FAA cost-benefit requirements. I said, "I am fully willing to support the forward-looking part of this bill, because I think we ought to do this, but I can't have a reachback provision. It is just not good national policy."

And this is not partisan, I say to the gentleman. This is a matter of principle. Is it a penalty for an airport authority to ask that authority to live up to an agreement they signed, eyes wide open? Is it likewise fair to other airports who complied with the law, who met the benefit-cost analysis, who complied with all the provisions, some of which are excluded from these reimbursement airports under this language, complied with all the provisions of law, to come back and say to a select group of airports, no, you can be reimbursed without having to comply with the full range of Federal law and without having to meet the cost-benefit analysis? In fact, there are at least five of these airports that under no stretch of the imagination can meet the benefit-cost analysis.

Furthermore, the argument has been made time and again, these are entitlement funds for these airports. Well, they did not exist prior to AIR-21 as entitlement for each airport. When I was chair of the Subcommittee on Aviation in 1990 and we crafted the passenger facility charge, I insisted that for the major airports that would impose a PFC, half of their entitlement dollar would go into a special fund dedicated for small airports, for airports at the end of the spokes in the hub and spoke aviation system. Those dollars substantially improved the ability of small airports to build runways, taxiways, lighting, safety enhancements, security enhancements. Then we came to the AIR-21 legislation and said, "Let's take it a step further. Let's assure there is an entitlement."

That entitlement money, available to small airports, is not money the airport collected or generated in any way. These are dollars from the Airport Improvement Program derived from the Aviation Trust Fund, which is derived from the ticket tax and from a host of other taxes, on aviation fuel, et cetera, that go into the Airport Trust Fund. Well, that is a national program. Taxes are imposed on all aviation users. These are not revenues generated by that airport to which they have a claim. These are funds that are distributed under a formula the Congress has written that the FAA carries out and, therefore, projects and expenses that are approved under FAA rules, guidelines, that are derived from Federal law. If we change that, then you have two classes of small airports: One that got an entitlement and that followed by the rules, another one that gets reimbursed for not complying with the law and the rules.

The law places limits on the use of entitlement funds by each airport. Those entitlement funds can be used only for projects that are eligible under the law. This is all about playing by the rules. It does not rub my heart to pain that an airport said, goodness, with our eyes wide open we signed this agreement. We wanted this tower so badly that we were willing to build the tower, and you, FAA, will operate that tower, but now come a few years later, now reimburse us for that expenditure. That is just wrong. That is just simply wrong.

Mr. Chairman, if the gentleman from Mississippi went out in front of his home and paved a section of street and improved that street and then went to the city council in his hometown and said, "Look what an improvement I made. It is safer. No one is going to have an accident. Reimburse me for my cost," they would not give him a dime. I do not think the gentleman would do that. He would not ask them to do that. But that is the analogy to what is being proposed in this legislation.

In short, this is a national program to fund airport development in the national interest. It is not designed to provide free capital to airports to use as they see fit; rather, to comply with a body of rules under which everybody plays. In the future we have got a good program, but reaching back is a bad idea.

Mr. MICA. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I am pleased to be here again today in support of the contract tower program. It is a program created that has lots of benefits for the American traveling public, and certainly those who fly in and out of, commercially, our smallest airports across the country, as well as general aviation and their use of those airports.

I am here today in support of the bill as it was approved by our Committee on Transportation and Infrastructure

without additional amendments today. It is important to me that this legislation move forward and that we send a strong message of support for our contract tower program.

There has been a lot of debate this morning as we discussed the rule, this afternoon as we discuss the bill, and I assume yet later today as we discuss the gentleman from Minnesota's amendment about whether or not we ought to allow airports who have already built contract towers prior to the passage of AIR-21 to access the dollars that are already coming their way, to spend those dollars on a previously built contract tower. Again, I would reiterate that this is an entitlement program. Those airports are receiving a fixed number of dollars. And this legislation for those communities that previously built the contract tower are simply deciding, we would choose to use our dollars, I guess they are Federal tax dollars, not necessarily dollars raised in our own community, but the dollars for which we are entitled under this program, we are making the choice that we will use those dollars for repaying ourselves for doing something that we should have done. I do not know how many communities will use that.

The gentleman from Illinois today has indicated about the priority of security, and clearly Congress has focused on that issue. We have not addressed the issue of how we are going to pay for all the mandates we are creating on airports across the country to meet security needs, but the reality is that this is a high-priority issue, one that our folks can decide locally. If the belief is that we ought not retroactively allow airports to utilize these dollars because the highest priority is to pay for security, then that means we ought not be supportive of the bill in its entirety. We are saying that they otherwise have the choice of choosing between meeting the security needs, the mandates, and paying for them out of their entitlement dollars. That is what this legislation is all about. And we are saying that is okay. If you are going to build your contract tower today, you can make the decision that security takes second priority to the contract tower. But if you made a decision previously that the contract tower was important to you, then we suggest that you should decide that security is a higher priority.

To suggest that the mechanism in place would create a problem in paying for security, that may be true of the entire bill. The concern that is raised here on the floor is one that I think is general not just to this issue of whether or not you ought to go back. I hope we do not lose sight that, again, we are not taking dollars from anybody else's airport. We are taking dollars that that airport is entitled to, and we are allowing them to make a decision at that local level as to what their highest priority is for paying.

Mr. LIPINSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today concerning H.R. 1979 and in support of the Oberstar-Lipinski amendment which will strike an improper and egregious provision in an otherwise good bill.

This amendment addresses fundamental questions of fairness in allocating scarce resources. This is an issue of national security. Do we allocate funds for national security? Or, rather, do we use these limited funds to reimburse private airports for control towers that have already been built?

In today's climate, are we not obligated to anticipate and fund present and future needs first? The Aviation Trust Fund, which collects revenues from a variety of sources, provides the dollars for airport improvement programs, the main source of Federal aid to airports. The trust fund is being quickly depleted at a time of increased demand. AIP funding is a finite resource, and the Federal Government places restrictions on its use to maximize safety and security. It is not a reimbursement fund for private airports.

Allowing private airports that have already constructed towers to be reimbursed is a poor use of limited AIP funds. Decisions to build these towers were made at a local level without the expectation of a Federal commitment to the project. In fact, it was clear that there would be no such Federal participation. And as we say in Texas, a deal is a deal.

Time and time again, our friends in the majority tell us we have to do more with less. We do not have sufficient AIP funds for all the worthy projects across the country. We should not reimburse a handful of private airports who clearly did not need Federal assistance in the first place to lay claim to a limited amount of security dollars. This provision is estimated to cost \$30 million. That is \$30 million not available to a new and unmet need.

What airport security project will go unfunded? Which Member wants to see a critical safety improvement delayed because the funds are going to reimburse a few select airports?

□ 1330

Mr. Chairman, our aviation infrastructure needs are great and will continue to grow. We cannot let any funds be spent that do not add to the future of the system, but merely pass for past improvements.

Mr. MICA. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), also a member of the Subcommittee on Aviation and our vice chair of that subcommittee.

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

Mr. HAYES. Mr. Chairman, I rise today in opposition to the amendment

of my friend the gentleman from Minnesota (Mr. OBERSTAR), and I rise to take a counterposition from my friend the gentleman from Texas. The issue here is safety. The issue is safety as well as security.

As an example, Concord Regional Airport in my district will lose if this amendment passes, but that is not the issue. The issue is not losing potential funding alone. The real issue is they will lose their ability to address vital safety needs.

The two key components of this bill are increased safety and flexibility for local concerns. The number one concern of any aviator and the public is safety. The presence of air traffic control towers, where appropriate, staffed by competent professionals, greatly increases safety for the flying public, whether commercial or general aviation.

Concord Regional is the fourth busiest airport in North Carolina. Local leaders in Concord had the vision to address safety concerns before an accident occurred, and that is what we are talking about here. We have a clear choice: Either we can say to our local governments and leaders, we are going to reward you for thinking ahead, thinking out into the future and addressing vital safety needs of the flying public and the public who are on the ground; or we are going to punish you for doing the things that make sense, for using common sense.

I know it is contrary to Washington thinking, but common sense provides that these forward-thinking leaders, wherever they might be, have provided for vital safety concerns, and that is important to America, along with security.

Many of the airports that will be eligible under this legislation are located near metropolitan areas. Without guidance from air traffic controllers, pilots are solely responsible for locating and avoiding other aircraft. In the past, a lack of control from towers has often been a major contributing factor in air-to-air collisions, even over residential areas, with damage to ground structures and threat to human lives.

The Congress should not penalize airports for taking positive steps to increase safety. These airports built towers to make their operators more efficient and to avoid the dangers associated with congested airspace.

Contrary to what has been reported here today, reimbursement of AIP funds for contract towers will not take money away from needed security improvements at airports. In fact, this bill will allow airports to prioritize their safety and security improvements and fund the most significant needs.

Funds for reimbursement would come only from entitlement funds, not discretionary spending. Under this bill, airports may not apply for discretionary funds to build, equip or reimburse themselves for contract control towers.

In the end we must let local airports, not bureaucrats in Washington, decide



how to best utilize the limited entitlement funds from the Airport Improvement Program. I am confident the Administrator at Concord Regional Airport will fund wisely the safety and security needs and concerns of that airport and the flying public.

Mr. Chairman, I urge my colleagues to oppose the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 1 minute.

Mr. LIPINSKI. Mr. Chairman, there was a speaker up here not too long ago who said something to the effect if we are not going to do this or not going to do that, if we are going to pass the Oberstar amendment, maybe we should not pass any bill at all. Well, probably the wisest thing in regard to this particular situation would have been to wait until next year when we reauthorize the Aviation Trust Fund. Then we could have dealt with many, many of the concerns that have been raised here on the floor not only by our side, but also by the other side.

But getting back to the Oberstar amendment, first of all, we have a signed contract, a legal document, saying that we are going to build a tower if you will staff it for us. No one was blindsided. These small airports agreed to that, beyond a shadow of a doubt. They had to sign a contract to that effect. They did so. They moved ahead, built a tower, and the Federal Government has been staffing it with contract controllers.

Support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman is recognized for 4 minutes.

Mr. MICA. Mr. Chairman, we are winding up the general debate on this bill, and it is a good bill. It is a good bill in its present form, and the present form allows for fairness.

We have heard some things said by the other side in opposition to the current form of this legislation, and most of it deals with the question of reimbursement.

First of all, one must understand that there are some people in Congress who think that Washington knows best, that Washington must dictate exactly what every local government, every local entity, should do.

Now, we are talking about funds here that these communities and airports would be entitled to, and we set certain parameters. We have set certain parameters in the past as to what projects would be eligible. Towers were not eligible.

We are today, with the passage of this legislation, changing those rules. We told them in the past, you build a tower, and we will man the tower. At that time you could not use AIP funds for construction of those towers. We are changing that rule now. No, I do not want to participate in "gotcha" legislation. This is not fair. It is just a question of fairness.

There are 22 airports that could benefit from the reimbursement provision. There are 48 airports that will benefit by us changing the rule and allowing AIP funds to be used for construction of towers. We today are changing the rule.

This question about \$30 million that is going to be somehow wasted or given away unfairly, blah, blah, blah, they are going to get that money anyway. They are entitled to that money. The question is, what can they use it on? If they have already made the safety improvement, why should we penalize them? It is not fair.

It was said by the other side that someone is going to get a windfall. No one is getting a windfall. They are going to get those funds anyway. It is an entitlement. But Washington does not always know best.

You heard them say they signed a contract with their eyes wide open. Yes, they signed the agreement, but that was the terms of how you could use the money then, and we are changing the rules now as to how you can use the money.

So is it fair to shaft 22 who have taken the initiative and acted? They can decide how they want to spend that money in the future. If they want to spend it on a safety improvement they made in the past, which we are allowing these 48 others to benefit by, why not?

Come on. As we heard the other side say, this is a matter of principle. Yes, it is a matter of principle. It is a matter of Washington knowing best, Washington dictating to these local governments. And we heard the pleas. We heard the pleas from the small communities. We heard the pleas from the gentleman from Illinois and the tragedy that occurred and the steps that were taken by his communities. We heard the pleas from the gentleman from Arkansas. We heard the pleas from the gentleman from Montana with the fire situation, the need for air traffic control.

Why should these people be penalized in a "gotcha" approach? It is not fair. This is a question of fairness. Pass the legislation as it is currently formulated, and let us vote down, when we get to it, the Oberstar amendment, which is, in fact, a matter of principle.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support of H.R. 1979, the "Airport Safety, Security, and Air Service Improvement Act."

Supporting this legislation should be intuitive to anyone who cares the slightest bit about air safety. General aviation makes up an ever-growing percentage of all flight travel, and it relies heavily on small airports. It is vital these smaller airports are safe and useable, in order for them to help relieve the heavy workload of the larger airports, including Hartsfield International in Atlanta. It is imperative as much of the general aviation as possible be able to use alternate airports.

In order to ensure these smaller airports are safe and operable, they depend on Airport Improvement Program (AIP) grants. The intent of

the AIP grants is to assist small airports with safety-related projects that support aircraft operations, such as runways and taxiways. As what can only be described as an oversight, AIP funds are currently prohibited from being used to build control towers. Obviously, a control tower is equipment that is necessary to ensure safe operating conditions.

This legislation merely allows these small airports to utilize the AIP money already appropriated, to also construct control towers. It does not cost anything more to the taxpayers, and mandates nothing to the airports. It simply gives them more flexibility to use the money as they see fit. This should be anything but controversial.

However, apparently some of our friends on the other side of the aisle seem to have problems with this bill, apparently concluding that although airports should be able to use AIP funding to construct new towers, they want to prevent airports which have recently constructed or modified a control tower for safety reasons, from utilizing these funds retroactively via reimbursement.

I ask my colleagues on the other side of the aisle, if these towers are necessary safety measures now, were they not necessary a month ago? A year ago? Gwinnett County, GA, believed it necessary to update its control tower at Briscoe Field recently. Opponents of this provision today would argue Gwinnett County should not be reimbursed for its expenditure. Apparently, they feel having operational control towers was not a safety concern before today, but suddenly and magically now it is. The work was done at Briscoe Field because it was vital to the safety interests of air-traffic in North Georgia. Briscoe, and the other twenty-five airports across the country which have done likewise, should be able to use AIP money for their tower projects.

I urge you to vote "no" on any amendment eliminating the reimbursement provision of this bill and to vote "aye" on H.R. 1979.

Mrs. CUBIN. Mr. Chairman, I rise today in support of the Small Airport Safety, Security, and Air Service Improvement Act. Safety and Security, we hear these words a lot now—and we should, we are fighting a war and working to protect the home front. This is a fact that effects all legislation every day. In fact, every appropriations bill we debate this year will be focused on winning the war and providing resources to those defending America. That means some difficult decisions for us in Congress. This bill, however, is not a difficult decision, it's actually quite simple. If common sense prevails and we enact H.R. 1979, we will provide improved flexibility to those airports that receive Airport Improvement Program funds (AIP).

I'm one who believes in local control and flexibility. Every time Congress has embraced that concept we have seen a success story. In this case, H.R. 1979 says that in addition to other AIP-approved projects, AIP funds can now be used for a control tower. It seems pretty simple to me, we're giving the airports AIP money based on a formula anyway, so why not let them use the money in the manner that best serves their needs? But some have expressed concern that airports can't be trusted to spend their money properly. Some must believe that landing a plane safely isn't an important component of airport operation. However, I can assure all of those who oppose this bill that the funds will be used properly, and spent on airport safety priorities.

Actually, the real sticking point on H.R. 1979 is the retroactive provision. As drafted, this bill will allow airports that have built a tower since 1996 to be reimbursed for those funds up to about one million dollars. That seems like a lot of money to folks in Wyoming, but in the scope of the AIP budget, it's by no means out of line. In fact it recognizes that there are proactive airports that have built a tower to increase the safety of local aviation. This provision will ensure that leaders in aviation safety will not be penalized for their investment in airport infrastructure.

Now some will say we can't afford this, or that it will take away from other priorities. I can't disagree more. AIP funds are determined using a formula, and we are not debating that allocation. We are simply considering what other uses will be allowable uses of AIP funds for improving the safety of an airport.

This debate should be about local control, not Congressional control. It reminds me a little about the class size debate in the Education bill. So many people wanted to designate funds for class size reduction, but not allow any flexibility for those funds if a school already has small classes. Shouldn't those schools be allowed to build important facilities if they have met the class size standard? We have small classes in Wyoming, we also have airports that plan properly and that can be trusted to use their AIP funds appropriately. I encourage passage of the bill as drafted, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Small Airport Safety, Security, and Air Service Improvement Act of 2002".*

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. MICA. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

#### SEC. 2. INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.

*Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:*

*"(M) constructing an air traffic control tower or acquiring and installing air traffic control,*

*communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4)."*

#### SEC. 3. CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.

*(a) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:*

*"(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—*

*"(A) GRANTS.—The Secretary may provide grants to a sponsor of—*

*"(i) a primary airport—*

*"(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;*

*"(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and*

*"(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and*

*"(ii) a public-use airport that is not a primary airport—*

*"(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;*

*"(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and*

*"(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996.*

*"(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—*

*"(i) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (I) or the pilot program established under paragraph (3); or*

*"(ii) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;*

*"(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;*

*"(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration's cost of the contract to operate the tower to be constructed under this paragraph;*

*"(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and*

*"(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—*

*"(I) the Federal Aviation Administration has consulted the State within the borders of which*

*the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and*

*"(II) the selection of the tower for funding is based on objective criteria, giving no weight to any congressional committee report, joint explanatory statement of a conference committee, or statutory designation.*

*"(C) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed \$1,100,000."*

*(b) CONFORMING AMENDMENTS.—Section 47124(b) of such title is amended—*

*(1) in paragraph (3)(A) by striking "Level I air traffic control towers, as defined by the Secretary," and inserting "nonapproach control towers, as defined by the Secretary,"; and*

*(2) in paragraph (3)(E) by striking "Subject to paragraph (4)(D), of" and inserting "Of".*

*(c) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the 2 towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.*

#### SEC. 4. NONAPPROACH CONTROL TOWERS.

*(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.*

*(b) TERMS AND CONDITIONS.—An agreement entered into under this section—*

*(1) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;*

*(2) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;*

*(3) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;*

*(4) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;*

*(5) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement;*

*(6) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and*

*(7) shall include such other terms and conditions as the Administrator considers appropriate.*

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR:

Page 3, strike line 3 and all that follows through line 13 on page 5 and insert the following:

*"(A) GRANTS.—The Secretary may provide grants to a sponsor of—*

*"(i) a primary airport from amounts made available under sections 47114(c)(1) and 47114(c)(2); and*

*"(ii) a public-use airport that is not a primary airport from amounts made available under sections 47114(c)(2) and 47114(d),*

*for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower.*

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes on his amendment.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to be an accorded an additional 5 minutes.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I listened again with great attention to the distinguished chairman of the subcommittee, who made a very compassionate, or passionate, argument, compassionate for those 20 airports who are going to be windfall beneficiaries.

This idea that airports that built the contract towers are rewarded for thinking ahead by this amendment is just not right.

I heard another appeal to common sense, but is it common sense to vitiate common law? Common law says you made an agreement, which is a contract. Live by it. That is all we are saying.

They built the tower. They received an enormous benefit from the FAA to the tune of an average \$350,000 a year in air traffic control services provided by the FAA at that tower. Other airports did not take a flying leap and build a tower and then hope that someday in the future, some future Congress would come back and benefit them.

In addition, while these towers may have been indeed built for safety purposes, they were all built with the very clear purpose of economic benefits for the communities. They need not be double-imbursed by having the ability to be compensated for something they did at a time when they knew they would not be compensated for it.

These are scarce dollars, AIP dollars, very limited amounts of money. They have to be very carefully managed. We criticize the FAA when they badly manage those dollars, and we ought not to engage in further mismanagement on this House floor by allowing the reach-back provision to cover the cost of towers previously built under terms and conditions that, in many cases, do not comply with the benefit-cost analysis required by FAA rules of contract towers.

The gentleman from Illinois (Mr. LIPINSKI) has already said the 26 airports to be covered by this provision have already requested funds totaling in excess of \$252 million in Federal funding for future AIP-eligible projects under the NIPIAS. They have requested \$6.3 million for security projects, access control, fencing, vehicles, infrared

cameras, closed circuit monitors, blast analyses, berm construction, safety enhancements for lighting, deicing, snow removal and weather reporting, and capacity projects such as runway extensions, taxiways, apron extensions, cargo and general aviation taxiways.

□ 1345

These airports get \$150,000 a year under the AIR-21 legislation we passed just 2 years ago, and I supported initiating the idea of special funding for smaller airports in our era of hub-and-spoke aviation systems. In the contract to our program, and remember, that was started in the aftermath of the air traffic controller strike in 1981 when there was a need to increase safety in the system, the contract tower program provides for air traffic control services only. Tower construction is outside the scope of the program for those who participate who did not have approval from the FAA. Once they are accepted into the contract tower program, those airports signed a contract airport traffic control tower operating agreement that says specifically, "In consideration of air traffic control service being provided to the airport sponsored by the government, the airport sponsor agrees to the following terms and conditions at no cost to the government. The airport sponsor shall provide an air traffic control tower structure meeting all applicable State and local standards."

How can it be more clear than that? They signed an agreement, eyes wide open, knowing full well that they had to meet this cost. Now they are going to come back and say, oh, we did not mean that. We throw contract law right out the window. We throw agreements right out the window.

I am offended by this idea that we ought to scatter these dollars around and just make whole those airports who signed an agreement, knew what they were getting into, who received significant benefits since they built those towers. Mr. Chairman, \$350,000 a year on average for air traffic control services, and now we want to double benefit them.

Furthermore, the bill before us does not require the airport to use the reimbursement fund to fund AIP-eligible projects; it would be somewhat tolerable if we were limited in that respect, but only requires the airport to show that it complied with Davis-Bacon, Small Business and Veterans Preference, but not the other statutory requirements, the National Environmental Policy Act, for example. Well, I just do not understand how it can be considered to be a burden and a penalty to ask an airport to live up to the terms of an agreement it entered into voluntarily, an agreement through which it got the Federal funding for the cost of operating the tower.

If this bill should pass with this provision in it, I will be watching very carefully in the future to see how many other circumstances there will be,

reach-back provisions, and let us exonerate this interest from that requirement. I will be very interested to see if the gentleman from Mississippi is going to be the first one to step up to the plate and offer additional funding in the transportation appropriations bill to cover additional costs that are going to be incurred by these small airports in the future. They are going to need additional money. They are going to soak up this \$30 million to pay for something they already built; and then they are going to come back and say, but we are out-of-pocket and we need money for security and safety and capacity enhancements.

Where is that money going to come from? Well, I hope it does not come out of the AIP program or the F&E account or the operational account or any other accounts, because they are all limited; and that is the point. We do not have infinite dollars in the aviation trust fund.

Mr. Chairman, let me repeat. These entitlement dollars come from the aviation trust fund contributed by all users. They are not coming from a passenger facility charge that the airport has imposed. If they wanted to impose a passenger facility charge, that is their dollars; they can use it as they see fit. I supported it. I initiated that legislation in 1990. This is different. These are different funds.

There are substantial economic benefits that flow to a city from an airport with a control tower. Safety is one of them, but significant economic benefits. We are just coming here and saying, although you did not qualify, although you did not meet the eligibility requirements, we are still going to reimburse you for having gone ahead and, with your eyes wide open, signed an agreement that you would build this tower at your expense for the FAA to operate that tower.

Now, there could be an argument, although I have not heard it yet from our chairman, that in the 1996 legislation we provided funding for reimbursement of non-AIP-eligible projects. However, in the 1996 bill, that was prospective, not retroactive. That is the difference, and that is the consistency with Federal law that I was expecting and arguing for in this legislation. We do not have that consistency. And the chairman is going to have a hard time, Mr. Chairman, reconciling this action with any future FAA legislation that wants to deviate from historic precedent and practice.

The basic underlying bill is prospective, and that is appropriate. What is not appropriate is to compensate airports for something that they agreed to build, for costs they agreed to incur, and in return for which they have received significant benefits.

Mr. Chairman, this amendment should be passed. We should delete this provision of the bill.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again, I must speak in opposition to the amendment offered

by the distinguished gentleman from Minnesota (Mr. OBERSTAR). We have worked long and hard on the Committee on Transportation and Infrastructure and the Subcommittee on Aviation to achieve a bipartisan agreement on this legislation. I think for the most part we have succeeded. However, on this reimbursement issue, we just do not see eye to eye.

I disagree with the underlying premise of the amendment proposed here that for some reason the reimbursement for control tower construction is bad. Our current law allows reimbursement for airport terminal construction. Control towers are certainly at least as important as the terminal buildings. Control towers provide, I believe, one of the most important safety benefits. Airports that have taken the initiative to build them on their own should, in fact, be rewarded. We changed the law in 1996 to be prospective. We made some changes at that point. I am asking that we change the law now as we changed the law on the payment eligibility to be retrospective to the 1996 law.

The airports that would be adversely affected by this amendment are relatively small airports. Spending approximately \$1 million to build and equip a control tower is a significant burden on them.

Although they may not have had a legal right to reimbursement at the time they built the towers, and that was the rule at that point, and we are changing the rules and the law at this point, many were hopeful that when Congress saw fit to make tower construction eligible for these grants, and, again, they have eligibility to use this entitlement money however they wish, that in fact the Congress would help those who have taken the initiative to act.

I have letters from at least five airports that say that they were hoping for such a reimbursement at the time that they built their towers; and, in fact, we know that we do them an injustice if we pass this Oberstar amendment.

It is also important to note that the airports can only use AIP entitlements for reimbursement.

Now, it does not say that they shall be reimbursed. There is no language in here that says they shall be reimbursed or they shall take their \$30 million, which may be the amount that that group is entitled to over future years. It is "may," that they "may." It gives them the option. We have opened the option of having towers as being eligible, construction being eligible for payment. All this is saying is that they may use some of the money that they are getting anyway in a discretionary fashion. It does not say that they shall. So we have a bogus argument that \$30 million is going to somehow be sucked out of this fund.

This is money that the airport has a right to as a matter of law and entitlement. How they use that money should

be a part of local control and local decision. Again, that is a fundamental difference. This is a debate about principle. A principle that Washington knows best, one-size-fits-all, we tell you. Now, we may change the rules, but we got you, because you are not going to be eligible, and we shaft some 20 to 22 airports who have already taken the initiative to build their towers.

Since this is money that the airport would get in any event, allowing them to use it for reimbursement does not increase the Federal deficit or Federal commitment, financial commitment in any way, nor does it take away from capacity or safety-enhancing projects at any other airports, or even at that airport. They will make the decision on what improvements they want to make in what order, and we give them the ability, but they may. Again an option, we give them an option.

Security here and the misuse of these funds by local officials is used purely as a red herring in this debate. The Congress has not decided how we are going to fund transportation safety improvements. Right now there is a supplemental that has not been decided on how we are going to fund security improvements, so I do not buy that argument.

Mr. Chairman, I oppose the Oberstar amendment, and I ask for its defeat.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to offer my support for the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, today we are considering what is essentially a good bill, with the exception of one bad provision. Tucked into this bill is a provision that takes approximately \$30 million of funding currently available to enhance airport security and uses these funds to reimburse airports for air traffic control towers previously built. These towers were constructed at some of the smallest airports in the Nation under an express agreement that the Federal Government would pay the cost of staffing the tower, but not the construction costs. The Oberstar amendment would eliminate the provision for retroactive reimbursement and keep the funds available for new airport projects to enhance safety and security.

I would like to emphasize that I am not opposed to H.R. 1979 insofar as it authorizes the use of Federal funds to support the building of new towers. I had hoped that my objections to the retroactive reimbursement provisions could have been resolved in the subcommittee or full committee markup of this legislation. Unfortunately, they were not, and we find ourselves in the rare situation of amending a bill from the Committee on Transportation and Infrastructure on the floor.

What I oppose, Mr. Chairman, is the use of airport capital funds to pay for

towers already built. Under the bill, an airport is only required to demonstrate that it has complied with Davis-Bacon, Small Business, and Veteran Preference requirements, but not the rest of the statutory and administrative requirements governing airport improvement program projects. This means that contract towers constructed prior to the enactment of this bill would be reimbursed with AIP funds, but subject to different and lower standards than all other AIP projects, including new contract towers built pursuant to the reported bill.

□ 1400

Perhaps the most important reason to oppose the retroactive reimbursement provision is that it sets a bad precedent as we head toward Federal Aviation Administration reauthorization next year.

In reauthorization, we will consider new eligibilities for the AIP program. By setting a precedent for retroactive reimbursement, we run the risk of encumbering the AIP program in future years with reimbursements for work that has already been completed.

Now more than ever we need to focus on the task in front of us: addressing the aviation safety and security needs of the post-September 11 world. So once again, Mr. Chairman, this is a good bill with one bad provision in it. The Oberstar amendment will fix that. I strongly urge its adoption.

Mr. REHBERG. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment. Mr. Chairman, when I listened to the sponsor of the amendment talk about benefits, tremendous benefits, significant benefits, benefit benefits, I did not count them all. The only real benefit here is safety.

These people in places like Kalispell, Montana, made the determination that they wanted to do something about the organized mayhem that was created by the Forest Service and their forest fire adding, doubling, the number of airplanes, tankers, helicopters, in the air per day for months on end.

I do not know how many pilots are on the floor today, but I can tell the Members that pilots sometimes need help. They certainly need help when the number of traffic count in one day doubles because of a forest fire. Now, couple that with smoke and mountains and activity, and when I talk about organized mayhem, sometimes the people in the tower are the only safety valve for those people.

So what is the benefit here? The benefit is to save lives. Is that not what this Congress is all about? Is this, the bill of the gentleman from Mississippi (Mr. WICKER) that we are talking about, creating the safety? No. The safety is created by the individuals in the communities that make a determination that they have a need.

Now, the logic is lost on me that somehow the airports that did not

build their towers did not need it or are somehow at a loss for this. No, they made the determination that for safety reasons they did not need to have a tower, but our airport did make that determination. So rather than punish our communities for doing that, we ought to reward them.

The \$30 million figure, again, I will give an example of why that is not true. I am the only Congressman in this body who has two of those airports in their district, Bozeman, Montana, and Kalispell, Montana. Kalispell, Montana, will ask for a reimbursement from their account. It is their money into the future. They have made that a top priority. Bozeman, Montana, will not. They have announced that they have made the prioritization, and they have the ability under their taxpayer funding in their local community to withstand that cost, and they will do that. They will not ask for a reimbursement. So it is not \$30 million, it must be something less, because Bozeman, Montana, is not coming in for the money.

So I thank the gentleman from Florida (Chairman MICA) for specifically pointing out the difference between "may" and "shall," because in our particular case, it is "may."

So I ask the Members, my friends in the legislative body, to please oppose this amendment. It does not make sense. It is one-size-fits-all, and that is the wrongheadedness that so often occurs in the United States Congress.

We need the flexibility. We need to understand it is not about money, it is about safety and saving lives. Let us reward the airports for having done the right thing. I hope Members will kill this amendment and support the Wick-er bill.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a Republican mentioned earlier that perhaps these issues should have been dealt with in the reauthorization of the Aviation Trust Fund next year. Those probably were some of the wisest words that we have had on the floor here today. We should not be dealing with these aviation issues in such a piecemeal fashion.

Everybody agrees that we have a solemn, sacred contract signed by the local airport authority and the FAA. Now we have the Federal Government, the big, bad Federal Government, stepping in and breaking that contract between the FAA and the local airport authority.

It has been mentioned that safety will be compromised unless the Oberstar amendment is defeated. These towers have already been built for safety purposes. This amendment has nothing to do in reality with the safety at those particular airports, because those airports have already got their towers up. They have already got their air traffic controllers in place.

I want to get back to the point, the fact that there is a \$250 million request

for future safety and security needs at these airports. I asked the question, where is that money going to come from to finance those safety and security needs when, because of the retroactivity in this bill, the vast majority, if not all, of these airports are going to be utilizing their \$150,000 a year to pay for these towers that have already been built, that they knew were not going to be reimbursed for?

It seems to me if we are going to be fair to the entire aviation system that we have in place in this Nation, and we are going to be fair to all these small airports, we have to support the Oberstar amendment.

This bill, even though it should have been put off until the Aviation Trust Fund next year, would not be a controversial bill, other than the fact that we are doing something that is almost unprecedented; that is, the retroactivity of this bill.

So I say to Members, if they want to be fair to everybody, support the Oberstar amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to encourage my fellow Members to reward and encourage airports to do the right thing for the safety of the traveling public by voting against this amendment offered by my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, much of the country is not served by mega-airports like LaGuardia or O'Hare. Most of it is served by smaller, community-based airports. Under provisions of the Small Airport Safety, Security, and Air Service Improvement Act of 2002, which was marked up and favorably reported by the Committee on Transportation and Infrastructure with my support this last April, small airports participating in the FAA's contract tower program, like the Anoka Airport in my home State of Minnesota, could seek reimbursement for the cost of contracting and constructing air traffic control towers.

Smaller airports, like the Anoka Airport, which is a critical part of the Minnesota commercial air system, often act as links for smaller communities to larger cities. Often these airports serve as a vital role for reliever airports, taking pressure off the often jam-packed big-city airports.

I rise in opposition to the amendment offered because it would penalize these airports for having the foresight to build an FAA contract tower. This could cost taxpayers in the communities like Anoka if this was passed. These airports took it upon themselves to act to safeguard the flying public by building a tower. They should be rewarded and not punished for being proactive. We should encourage and reward airports for proactively acting on safety.

Mr. Chairman, I urge all of my colleagues to do the right thing and to

support and encourage proactive actions for safer air travel, and vote against this amendment.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's comments and his advocacy for Anoka County Airport. Anoka County used to be in the Eighth Congressional District some 20 years ago. Even after it was taken out of my district, I worked closely with the county and the airport authority to secure the funds to operate the air traffic control tower, and made it clear that at the time they did not qualify for funds.

They were willing to build a tower anyway. They knew, they knew that they wanted this tower for a variety of reasons. But it is not right to come back and say, well, now you can be reimbursed. I was deeply involved in that whole situation.

Mr. KENNEDY of Minnesota. Mr. Chairman, I appreciate the gentleman's great efforts for transportation throughout Minnesota, but if they had built that tower in the future, they would be eligible for reimbursement. I do not want to be in a position of penalizing somebody for acting in a proactive manner and moving forward, ahead without that.

I think that if we had the door artificially shut, and now we are opening it for reimbursement, it is not fair to say that because they were proactive, that they are not being reimbursed. It is on that ground that I encourage Members to not support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Oberstar amendment to HR 1979. Since the tragic event of 9/11, we have all focused on the issues of making this country a safer place—especially in regards to our airways. The Small Airport Safety, Security and Air Service Improvement Act is one of many pieces of legislation that will help to make the dream of safe-skies a reality.

However, one provision of the resolution is actually a step in the wrong direction. Although it makes good sense to allow small airports to use AIP funds to fill a funding gap and fund future construction of control towers, making such use of funds retroactive does not make sense. AIP money that has previously been allocated to small airports could be used to upgrade safety and security. This is now our number-one priority. Reimbursing airports for past construction—that they have already done, that they had already budgeted for, that they could already afford—would simply divert 30 million dollars away from new priorities.

Furthermore, all federally funded construction projects are subject to standard statutory and administrative requirements as mandated by Congress. Past projects presumably were able to bypass the Fair Labor Standards Act, the National Environmental Policy

Act, and the National Historic Preservation Act, to name just a few. Allowing reimbursement of airports for tower-construction costs would provide an inappropriate double-windfall.

Therefore, I support the Amendment from the gentleman from Minnesota—to ensure, in the interest of fairness, that all federally funded control towers are subject to the same standards and regulations. More importantly, I support the Oberstar amendment to keep funding concentrated on the efforts of making our skies safer and more secure.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) will be postponed.

#### AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill, add the following:

#### SEC. 5. USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of my amendment on this bill. I had originally planned to have an amendment introduced that would have given relief and assistance to small airports to use part of their funds, a limitation on their funds that they get under the Airport Improvement Act, for operations of their control towers. Recognizing that control towers are one of the best ways to improve safety in airports, especially in this era of heightened emergency consciousness, I want to make sure that small airports have the same ability to provide security and information and assistance and protection and also at a cost-effective number as big airports.

Every airport that provides scheduled passenger service should have the ability to operate a control tower, but in lieu of that amendment, which I understand, as some questions that have been raised by both staff and Members, and I respect that, and I respect the work that this committee has done and is doing and will be doing on this very important issue, we have proposed the

amendment before the House today which will allow the Department of Transportation an opportunity to study the issue to determine the extent and the depth and the concern that exists out in the real world of small airports having to deal with the costs of operations of towers.

We all know that it needs to be done. Each airport needs to have a tower to make sure that it is providing necessary service to the public and safety to the public. So I think it will do all of us who consider this issue, both the Department of Transportation and others as well as the committees of jurisdiction, to take a look at what the findings will be in the next year of who is affected by this kind of disparity, if you will, high costs for small airports, large airports getting cost assistance.

So what this amendment does is say let us take a look at this. If we at some point provide more assistance to small airports, it will give those airports a chance to have the flexibility to use the airport improvement funds for paying their share of operating costs. That is not what this amendment does. It is just that we are going to take a look at it and see what the extent of the problem is. Recognizing that I think we do respect the freedom of choice and individuality and needs of each airport, each airport authority, to maintain its tower operations, it is critically important that our airports be able to do this.

One airport in my district, the Walla Walla Airport, pays \$41,000, almost \$42,000, to pay for the contract to operate the tower. They get about a million dollars annually in AIP funds, but they cannot use any of that for operations of the tower. So they pay about 16 percent now. Other airports pay a little different figure.

There is a complicated formula, Mr. Chairman, that determines what the allocation is, what the obligation is for each airport, and it is complex, and it is not uniform necessarily as I understand it. So we want to be sure that in the process of providing security and assistance to our airports, that we help the small guys, the little airports like Walla Walla and other similarly situated all across this country so that we are able to provide the security and the operational ability necessary for efficiency and to make sure that the traveling public is protected.

So with that, it is my understanding that both sides have taken a look at this, that there is no objection to the language of our amendment.

□ 1415

Mr. MICA. Mr. Chairman, I move to strike the last word.

I thank the gentleman for offering this amendment. It is a bit controversial in that it does establish a new precedent for use of these funds for operations. We are willing to consider the study provision and reporting back. Small airports are under the gun to raise funds to not only build towers,

and this legislation allows them to use part of their AIP money for that purpose, but also to look at the question of using some of those funds again in an unprecedented manner to support operations.

So we have no objection. I believe, however, we are asking the vote be called on this particular amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NETHERCUTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) will be postponed.

The CHAIRMAN pro tempore. Are there further amendments?

#### SEQUENTIAL VOTES IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

An amendment offered by Mr. OBERSTAR and an amendment offered by Mr. NETHERCUTT.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MR. OBERSTAR

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 223, not voting 9, as follows:

[Roll No. 241]

AYES—202

Ackerman	Boyd	Davis (IL)
Allen	Brady (PA)	DeFazio
Andrews	Brown (FL)	DeGette
Baca	Brown (OH)	Delahunt
Baird	Capps	DeLauro
Baldacci	Capuano	Deutsch
Baldwin	Cardin	Dicks
Barcia	Carson (IN)	Dingell
Barrett	Carson (OK)	Doggett
Becerra	Clay	Dooley
Bentsen	Clement	Doyle
Berkley	Clyburn	Edwards
Berman	Condit	Engel
Berry	Conyers	Eshoo
Bishop	Costello	Etheridge
Blagojevich	Coyne	Evans
Blumenauer	Cramer	Farr
Bonior	Crowley	Fattah
Borski	Cummings	Filner
Boswell	Davis (CA)	Ford
Boucher	Davis (FL)	Frank



Frost	Lynch	Rivers	Petri	Shadegg	Thornberry	Bereuter	Fletcher	Lee
Gephardt	Maloney (NY)	Rodriguez	Pitts	Shaw	Thune	Berkley	Foley	Levin
Gonzalez	Markey	Roemer	Platts	Shays	Tiahrt	Berman	Forbes	Lewis (KY)
Gordon	Mascara	Ross	Pombo	Sherwood	Tiberi	Berry	Fossella	Linder
Green (TX)	Matheson	Rothman	Portman	Shimkus	Toomey	Biggert	Frank	Lipinski
Gutierrez	Matsui	Roybal-Allard	Pryce (OH)	Shows	Upton	Bilirakis	Frelinghuysen	LoBiondo
Hall (OH)	McCarthy (MO)	Rush	Putnam	Shuster	Vitter	Bishop	Frost	Lowey
Harman	McCarthy (NY)	Sabo	Quinn	Simmons	Walden	Blagojevich	Gallegly	Lucas (KY)
Hefley	McCollum	Sanchez	Radanovich	Simpson	Walsh	Blumenauer	Ganske	Lucas (OK)
Hinchey	McDermott	Sanders	Regula	Skeen	Wamp	Blunt	Gekas	Luther
Hinojosa	McGovern	Sandlin	Rehberg	Smith (MI)	Watkins (OK)	Boehlert	Gephardt	Lynch
Hoeffel	McIntyre	Sawyer	Reynolds	Smith (NJ)	Watts (OK)	Boehner	Gibbons	Maloney (NY)
Holden	McKinney	Schakowsky	Riley	Smith (TX)	Weldon (FL)	Bonilla	Gilchrest	Manzullo
Holt	McNulty	Schiff	Rogers (KY)	Souder	Weldon (PA)	Bonior	Gillmor	Markey
Honda	Meehan	Scott	Rogers (MI)	Stearns	Weller	Bono	Gilman	Mascara
Hooley	Meek (FL)	Serrano	Rohrabacher	Stump	Wexler	Boozman	Goode	Matheson
Hoyer	Meeks (NY)	Sherman	Ros-Lehtinen	Sullivan	Whitfield	Borski	Goodlatte	Matsui
Insole	Menendez	Skelton	Royce	Sununu	Wicker	Boswell	Gordon	McCarthy (MO)
Israel	Millender-	Slaughter	Ryan (WI)	Sweeney	Wilson (NM)	Boucher	Goss	McCarthy (NY)
Jackson (IL)	McDonald	Smith (WA)	Ryun (KS)	Tancredo	Wilson (SC)	Boyd	Graham	McCollum
Jackson-Lee	Mink	Snyder	Saxton	Tauzin	Wolf	Brady (PA)	Granger	McCrery
(TX)	Mollohan	Solis	Schaffer	Taylor (MS)	Young (AK)	Brady (TX)	Graves	McDermott
Jefferson	Moore	Spratt	Schrock	Taylor (NC)	Young (FL)	Brown (FL)	Green (TX)	McGovern
John	Moran (VA)	Stark	Sensenbrenner	Terry		Brown (OH)	Green (WI)	McHugh
Johnson, E. B.	Murtha	Stenholm	Sessions	Thomas		Brown (SC)	Greenwood	McIntyre
Jones (OH)	Nadler	Strickland				Bryant	Grucci	McKeon
Kanjorski	Napolitano	Stupak	Collins	Lewis (GA)	Pickering	Burr	Gutierrez	McKinney
Kaptur	Neal	Tanner	Hilliard	McInnis	Roukema	Burton	Gutknecht	McNulty
Kennedy (RI)	Oberstar	Tauscher	Houghton	Miller, George	Traficant	Buyer	Hall (OH)	Meehan
Kildee	Obey	Thompson (CA)				Callahan	Hall (TX)	Meek (FL)
Kilpatrick	Oliver	Thompson (MS)				Calvert	Hansen	Meeks (NY)
Kind (WI)	Ortiz	Thurman				Camp	Harman	Menendez
Klecza	Owens	Tierney				Cannon	Hart	Mica
Kucinich	Pallone	Towns				Cantor	Hastings (FL)	Millender-
LaFalce	Pascarell	Turner				Capito	Hastings (WA)	McDonald
Lampson	Pastor	Udall (CO)				Capps	Hayes	Miller, Dan
Langevin	Paul	Udall (NM)				Capuano	Hayworth	Miller, Gary
Lantos	Payne	Velazquez				Cardin	Hefley	Miller, Jeff
Larsen (WA)	Pelosi	Visclosky				Carson (IN)	Herger	Mink
Larson (CT)	Peterson (MN)	Waters				Castle	Hill	Mollohan
Lee	Phelps	Watson (CA)				Chabot	Hilleary	Moore
Levin	Pomeroy	Watt (NC)				Chambliss	Hinchey	Moran (KS)
Lipinski	Price (NC)	Waxman				Clay	Hinojosa	Moran (VA)
Lofgren	Rahall	Weiner				Clayton	Hobson	Morella
Lowey	Ramstad	Woolsey				Clement	Hoeffel	Murtha
Lucas (KY)	Rangel	Wu				Clyburn	Hoekstra	Myrick
Luther	Reyes	Wynn				Coble	Holden	Nadler

## NOES—223

Abercrombie	Diaz-Balart	Hyde						
Aderholt	Doolittle	Isakson						
Akin	Dreier	Issa						
Armey	Duncan	Istook						
Bachus	Dunn	Jenkins						
Baker	Ehlers	Johnson (CT)						
Ballenger	Ehrlich	Johnson (IL)						
Barr	Emerson	Johnson, Sam						
Bartlett	English	Jones (NC)						
Barton	Everett	Keller						
Bass	Ferguson	Kelly						
Bereuter	Flake	Kennedy (MN)						
Biggert	Fletcher	Kerns						
Bilirakis	Foley	King (NY)						
Blunt	Forbes	Kingston						
Boehlert	Fossella	Kirk						
Boehner	Frelinghuysen	Knollenberg						
Bonilla	Gallegly	Kolbe						
Bono	Ganske	LaHood						
Boozman	Gekas	Latham						
Brady (TX)	Gibbons	LaTourette						
Brown (SC)	Gilchrest	Leach						
Bryant	Gillmor	Lewis (CA)						
Burr	Gilman	Lewis (KY)						
Burton	Goode	Linder						
Buyer	Goodlatte	LoBiondo						
Callahan	Goss	Lucas (OK)						
Calvert	Graham	Maloney (CT)						
Camp	Granger	Manzullo						
Cannon	Graves	McCrery						
Cantor	Green (WI)	McHugh						
Capito	Greenwood	McKeon						
Castle	Grucci	Mica						
Chabot	Gutknecht	Miller, Dan						
Chambliss	Hall (TX)	Miller, Gary						
Clayton	Hansen	Miller, Jeff						
Coble	Hart	Moran (KS)						
Combust	Hastings (FL)	Morella						
Cooksey	Hastings (WA)	Myrick						
Cox	Hayes	Nethercutt						
Crane	Hayworth	Ney						
Crenshaw	Herger	Northup						
Cubin	Hill	Norwood						
Culberson	Hilleary	Nussle						
Cunningham	Hobson	Osborne						
Davis, Jo Ann	Hoekstra	Ose						
Davis, Tom	Horn	Otter						
Deal	Hostettler	Oxley						
DeLay	Hulshof	Pence						
DeMint	Hunter	Peterson (PA)						

## NOT VOTING—9

□ 1440

Mrs. CLAYTON, Mr. TAUZIN, and Mr. WELLER changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PICKERING. Mr. Chairman, on rollcall No. 241. I was unavoidably detained. Had I been present, I would have voted “no.”

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

## AMENDMENT OFFERED BY MR. NETHERCUTT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote on the Nethercutt amendment.

The vote was taken by electronic device, and there were—ayes 415, noes 12, not voting 7, as follows:

[Roll No. 242]

## AYES—415

Abercrombie	Bachus	Barr			
Ackerman	Baldr	Barrett			
Aderholt	Baker	Bartlett			
Akin	Baldacci	Barton			
Andrews	Baldwin	Bass			
Armey	Ballenger	Becerra			
Baca	Barcia	Bentsen			

Ross	Slaughter	Toomey
Rothman	Smith (MI)	Towns
Roybal-Allard	Smith (NJ)	Turner
Royce	Smith (TX)	Udall (CO)
Rush	Smith (WA)	Udall (NM)
Ryan (WI)	Snyder	Upton
Ryun (KS)	Solis	Velazquez
Sabo	Souder	Visclosky
Sanchez	Spratt	Vitter
Sanders	Stearns	Walden
Sandlin	Stenholm	Walsh
Sawyer	Strickland	Wamp
Saxton	Stump	Waters
Schaffer	Stupak	Watkins (OK)
Schakowsky	Sullivan	Watson (CA)
Schiff	Sununu	Watt (NC)
Schrock	Sweeney	Watts (OK)
Scott	Tancredo	Waxman
Sensenbrenner	Tanner	Weiner
Serrano	Tauscher	Weldon (FL)
Sessions	Tauzin	Weldon (PA)
Shadegg	Taylor (MS)	Weller
Shaw	Taylor (NC)	Wexler
Shays	Terry	Whitfield
Sherman	Thomas	Wicker
Sherwood	Thompson (CA)	Wilson (NM)
Shimkus	Thompson (MS)	Wilson (SC)
Shows	Thornberry	Wolf
Shuster	Thune	Woolsey
Simmons	Thurman	Wu
Simpson	Tiahrt	Wynn
Skeen	Tiberi	Young (AK)
Skelton	Tierney	Young (FL)

## NOES—12

Allen	Ford	Lofgren
Carson (OK)	Gonzalez	Maloney (CT)
Costello	John	Roemer
Davis (FL)	Johnson, Sam	Stark

## NOT VOTING—7

Hilliard	McInnis	Trafficant
Lewis (CA)	Miller, George	
Lewis (GA)	Roukema	

□ 1450

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAN MILLER of Florida) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, pursuant to House Resolution 447, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 143, not voting 7, as follows:

[Roll No. 243]

## YEAS—284

Abercrombie	Evans	Linder
Aderholt	Everett	LoBiondo
Akin	Ferguson	Lucas (KY)
Armey	Flake	Lucas (OK)
Baca	Fletcher	Luther
Bachus	Foley	Maloney (CT)
Baker	Forbes	Manzullo
Ballenger	Fossella	Mascara
Barcia	Frank	McCrery
Barr	Frelinghuysen	McDermott
Barrett	Gallegly	McHugh
Bartlett	Ganske	McIntyre
Barton	Gekas	McKeon
Bass	Gibbons	McKinney
Bereuter	Gilchrest	Mica
Berry	Gillmor	Miller, Dan
Biggert	Gilman	Miller, Gary
Bilirakis	Goode	Miller, Jeff
Bishop	Goodlatte	Mink
Blagojevich	Goss	Mollohan
Blumenauer	Graham	Moore
Blunt	Granger	Moran (KS)
Boehkert	Graves	Morella
Boehner	Green (WI)	Murtha
Bonilla	Greenwood	Myrick
Bono	Grucci	Nethercutt
Boozman	Gutknecht	Ney
Brady (TX)	Hall (OH)	Northup
Brown (SC)	Hall (TX)	Norwood
Bryant	Hansen	Nussle
Burr	Hart	Obey
Burton	Hastings (FL)	Osborne
Buyer	Hastings (WA)	Ose
Callahan	Hayes	Otter
Calvert	Hayworth	Oxley
Camp	Hefley	Pence
Cannon	Herger	Peterson (PA)
Cantor	Hill	Petri
Capito	Hilleary	Pickering
Capps	Hobson	Pitts
Cardin	Hoekstra	Platts
Castle	Holden	Pombo
Chabot	Hooley	Pomeroy
Chambliss	Horn	Portman
Clayton	Hostettler	Pryce (OH)
Coble	Houghton	Putnam
Collins	Hoyer	Quinn
Combest	Hulshof	Radanovich
Condit	Hunter	Ramstad
Cooksey	Hyde	Regula
Cox	Isakson	Rehberg
Crane	Israel	Reynolds
Crenshaw	Issa	Riley
Cubin	Istook	Roemer
Culberson	Jenkins	Rogers (KY)
Cummings	John	Rogers (MI)
Cunningham	Johnson (CT)	Rohrabacher
Davis, Jo Ann	Johnson (IL)	Ros-Lehtinen
Davis, Tom	Johnson, Sam	Ross
Deal	Jones (NC)	Royce
DeFazio	Jones (OH)	Ryan (WI)
DeLay	Kanjorski	Ryun (KS)
DeMint	Keller	Sabo
Deutsch	Kelly	Saxton
Diaz-Balart	Kennedy (MN)	Schaffer
Dicks	Kerns	Schrock
Doggett	King (NY)	Sensenbrenner
Dooley	Kingston	Sessions
Doolittle	Kirk	Shadegg
Doyle	Klecza	Shaw
Dreier	Knollenberg	Shays
Duncan	Kolbe	Sherwood
Dunn	LaHood	Shimkus
Ehlers	Latham	Shows
Ehrlich	LaTourette	Shuster
Emerson	Leach	Simmons
English	Lewis (CA)	Simpson
Etheridge	Lewis (KY)	Skeen

Skelton	Taylor (MS)	Wamp
Slaughter	Taylor (NC)	Watkins (OK)
Smith (MI)	Terry	Watts (OK)
Smith (NJ)	Thomas	Weldon (FL)
Smith (TX)	Thompson (CA)	Weldon (PA)
Smith (WA)	Thompson (MS)	Weller
Snyder	Thornberry	Wexler
Stearns	Thune	Whitfield
Stenholm	Tiahrt	Wicker
Strickland	Tiberi	Wilson (NM)
Stump	Toomey	Wilson (SC)
Stupak	Turner	Wolf
Sullivan	Udall (CO)	Wu
Sununu	Upton	Wynn
Sweeney	Vitter	Young (AK)
Tancredo	Walden	Young (FL)
Tauzin	Walsh	

## NAYS—143

Ackerman	Harman	Neal
Allen	Hinchey	Oberstar
Andrews	Hinojosa	Oliver
Baird	Hoefel	Ortiz
Baldacci	Holt	Owens
Baldwin	Honda	Pallone
Becerra	Inslee	Pascarell
Bentsen	Jackson (IL)	Pastor
Berkley	Jackson-Lee	Paul
Berman	(TX)	Payne
Borski	Jefferson	Pelosi
Boswell	Johnson, E. B.	Peterson (MN)
Boucher	Kaptur	Phelps
Boyd	Kennedy (RI)	Price (NC)
Brady (PA)	Kildee	Rahall
Brown (FL)	Kilpatrick	Rangel
Brown (OH)	Kind (WI)	Reyes
Capuano	Kucinich	Rivers
Carson (IN)	LaFalce	Rodriguez
Carson (OK)	Lampson	Rothman
Clay	Langevin	Roybal-Allard
Clement	Lantos	Sanchez
Clyburn	Larsen (WA)	Sanders
Conyers	Larson (CT)	Sandlin
Costello	Lee	Sawyer
Coyne	Levin	Schakowsky
Cramer	Lipinski	Schiff
Crowley	Lofgren	Scott
Davis (CA)	Lowe	Serrano
Davis (FL)	Lynch	Sherman
Davis (IL)	Maloney (NY)	Solis
DeGette	Markey	Spratt
Delahunt	Matheson	Stark
DeLauro	Matsui	Tanner
Dingell	McCarthy (MO)	Tauscher
Edwards	McCarthy (NY)	Thurman
Engel	McCollum	Tierney
Eshoo	McGovern	Towns
Farr	McNulty	Udall (NM)
Fattah	Meehan	Velazquez
Filner	Meek (FL)	Visclosky
Ford	Meeks (NY)	Waters
Frost	Menendez	Watson (CA)
Gephardt	Millender-	Watt (NC)
Gonzalez	McDonald	Waxman
Gordon	Miller, George	Weiner
Green (TX)	Moran (VA)	Woolsey
Gutierrez	Nadler	
	Napolitano	

## NOT VOTING—7

Hilliard	Roukema	Trafficant
Lewis (GA)	Rush	
McInnis	Souder	

□ 1515

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1979, the bill just passed.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Is there objection to the request of the gentleman from Florida?

There was no objection.