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House of Representatives

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

The SPEAKER pro tempore. The Chair would announce that we have 7 minutes remaining to finish the debate on the rule. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), our distinguished minority whip.

Mr. HOYER. Mr. Speaker, the Republican leadership has turned what should have been a bipartisan achievement into a partisan travesty. When we passed this legislation by a vote of 418-8 on July 11, we explicitly barred the privatization of air traffic controllers. We did so because we were concerned about the safety of the American public. The Senate bill which passed 94-0 went even further. It extended the protection to airway system specialists. Why? On behalf of the safety of the American public.

Then the Republican leadership hijacked this legislation. It adopted a conference report that rejected the opinion of the House and rejected the opinion of the Senate and stripped out the language barring privatization, again, passed to protect the safety of the American flying public.

Instead, it allowed 69 air traffic control towers to be turned over to private companies which must always put the bottom line first, and it removed the protections for airway systems specialists, removed mandatory and terrorism training for flight attendants, and permitted foreign airlines to raid U.S. markets.

Even Republicans balked at these changes, and that is why this legislation has hung around for so long, but

Mr. Speaker, without the explicit prohibition on privatization that was included in the bill we passed in June, the administration is free to move forward with privatization, notwithstanding the will of the House and the will of the Senate. That should not be acceptable in a democratic legislative body. The flying public deserves better. America deserves better. They need to know that the people on the ground responsible for air safety are not being forced to cut corners to save dollars.

I urge my colleagues to vote for a fair process and vote for the public safety by voting down this legislation and this conference report. I thank the gentleman for yielding me the time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire at this time how many speakers the other side has remaining.

Mr. MCGOVERN. I am the last speaker on our side.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Alluding to the facts, Mr. Speaker, I think is important sometimes. Under the Presidency of William Jefferson Clinton, approximately 150 control towers were privatized.

□ 1530

This legislation mandates no privatizations. And under the Presidency of George W. Bush, by the way, there have been zero towers privatized.

I do not recall the protests during the 150 privatizations during the years of Bill Clinton. What I do know is that this legislation mandates no privatizations. The facts sometimes, Mr. Speaker, are important.

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

Mr. MCGOVERN. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts has 2½ minutes remaining.

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

Mr. Speaker, I will be asking for a vote on the previous question, and if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that upon adoption of this rule the enrolling Clerk is directed to make the following changes to the conference report:

One, to insert the language in the Senate-passed FAA bill that would prohibit the privatization of the air traffic control system. Two, to strike the cabotage language in the bill that would allow foreign airlines to carry cargo between cities in Alaska and other cities in the United States. Three, to restore the mandatory TSA security and antiterrorism training guidelines for flight attendants that was in the House-passed version of the FAA bill. The conference report makes these important guidelines discretionary. And, four, to delete the requirement for certain communities to pay a local share for essential air service.

Mr. Speaker, these changes represent the true will of the Congress with regard to this very important legislation. What has happened since H.R. 2115 first went to conference, and particularly in the past 2 days, is a travesty of our democratic system of government. It is obscene that the leadership in the House of Representatives and the Senate would turn our legislative process on its head. And it is even more obscene if we were to let that happen without any protest. This type of behavior must stop. The last time I looked, we lived in a democracy. This is supposed to be a deliberative body. We all took an oath of office when we began serving in this fine institution. It is time to live up to that oath.

I want to stress that a "no" vote on the previous question will not stop consideration of the conference report for the FAA reauthorization; rather, a "no" vote will allow the House to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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amend the rule to make the changes necessary for this conference report to truly reflect the bill that won widespread bipartisan support in both the House and the Senate.

Again, I urge my colleagues to vote "no" on the previous question and remind them that this is the only way that we are going to prohibit the privatization of our air traffic control system.

Mr. Speaker, I ask unanimous consent that the text of this amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation reauthorizes the FAA. It is extremely important to the safety of the flying public in this country. In addition, it reauthorizes \$3.4 billion for the FAA and increases it by \$100 million each year.

Mr. Speaker, many of the ideas of our friends on the other side of the aisle, and I have a whole page of them here in summary, were included in this legislation. And with regard to what we have heard time and time again about phantoms of privatization, and though 150 occurred during President Clinton's administration, this legislation mandates none.

Mr. Speaker, this is an important piece of legislation. We must pass it today, and so I urge my colleagues to pass the rule and the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 422—RULE ON CONFERENCE REPORT FOR H.R. 2115 FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

AMENDMENT TO H. RES. 422 OFFERED BY REP. MCGOVERN

Strike all after the resolved clause and insert:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: "Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 2115"; and

(3) the text of which is as follows:

H. CON. RES.—

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2115, the Clerk of the House of

Representatives shall make the following corrections:

(1) At the end of subtitle B of title II of the conference report, add the following (and conform the table of contents of the conference report accordingly):

"SEC. 230. TRANSFER OF CERTAIN AIR TRAFFIC CONTROL FUNCTIONS PROHIBITED.

"(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer to a private entity or to a public entity other than the United States Government of—

"(1) the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act; or

"(2) the maintenance of certifiable systems and other functions related to certification of national airspace systems and services operated by the Federal Aviation Administration on the date of enactment of this Act or flight service station personnel.

"(b) CONTRACT TOWER PROGRAM.—Subsection (a)(1) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program as of the date of enactment of this Act."

(2) Strike section 408 of the conference report (and conform the table of contents of the conference report accordingly).

(3) In section 603 of the conference report, in the matter proposed to be inserted as section 44918(a)(4) of title 49, United States Code, strike "the Under Secretary may establish minimum standards" and insert "the Under Secretary shall establish minimum standards".

(4) Strike section 808 of the conference report (and conform the table of contents of the conference report accordingly).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 222, noes 199, not voting 13, as follows:

[Roll No. 586]

AYES—222

Aderholt	Bono	Chocola
Bachus	Boozman	Coble
Baker	Brady (TX)	Cole
Ballenger	Brown (SC)	Collins
Barrett (SC)	Brown-Waite,	Cox
Bartlett (MD)	Ginny	Crane
Bartlett (MD)	Burgess	Crenshaw
Barton (TX)	Burns	Cubin
Bass	Burr	Culberson
Beauprez	Burton (IN)	Cunningham
Bereuter	Buyer	Davis, Jo Ann
Biggett	Calvert	Davis, Tom
Bilirakis	Camp	Deal (GA)
Bishop (UT)	Cannon	DeLay
Bishop (UT)	Cantor	DeMint
Blackburn	Capito	Diaz-Balart, L.
Blunt	Carter	Diaz-Balart, M.
Boehlert	Castle	Doolittle
Boehner	Chabot	Dreier
Bonilla		
Bonner		

Duncan	King (NY)	Renzi
Dunn	Kingston	Reynolds
Ehlers	Kirk	Rogers (AL)
Emerson	Kline	Rogers (KY)
English	Knollenberg	Rogers (MI)
Everett	Kolbe	Rohrabacher
Feeney	LaHood	Ros-Lehtinen
Ferguson	Latham	Royce
Flake	LaTourette	Ryan (WI)
Foley	Leach	Ryan (KS)
Forbes	Lewis (CA)	Saxton
Fossella	Lewis (KY)	Schrock
Franks (AZ)	Linder	Sensenbrenner
Frelinghuysen	LoBiondo	Sessions
Gallegly	Lucas (OK)	Shadegg
Garrett (NJ)	Manzullo	Shaw
Gerlach	McCrery	Shays
Gibbons	McHugh	Sherwood
Gilchrest	McInnis	Shimkus
Gillmor	McKeon	Shuster
Gingrey	Mica	Simmons
Goode	Miller (FL)	Simpson
Goodlatte	Miller (MI)	Smith (MI)
Goss	Miller, Gary	Smith (NJ)
Granger	Moran (KS)	Smith (TX)
Graves	Murphy	Souder
Green (WI)	Musgrave	Stearns
Greenwood	Myrick	Sullivan
Gutknecht	Nethercutt	Sweeney
Harris	Neugebauer	Tancredo
Hart	Ney	Tauzin
Hastings (WA)	Northup	Taylor (NC)
Hayes	Norwood	Terry
Hayworth	Nunes	Thomas
Hefley	Nussle	Thornberry
Hensarling	Osborne	Tiahrt
Herger	Ose	Tiberi
Hoekstra	Otter	Toomey
Hostettler	Oxley	Turner (OH)
Houghton	Paul	Upton
Hulshof	Pence	Vitter
Hunter	Peterson (PA)	Walden (OR)
Hyde	Petri	Walsh
Isakson	Pickering	Wamp
Issa	Pitts	Weldon (FL)
Istook	Platts	Weldon (PA)
Janklow	Pombo	Porter
Jenkins	Porter	Weller
Johnson (CT)	Portman	Whitfield
Johnson (IL)	Pryce (OH)	Wicker
Johnson, Sam	Putnam	Wilson (NM)
Jones (NC)	Quinn	Wilson (SC)
Keller	Radanovich	Wolf
Kelly	Ramstad	Young (AK)
Kennedy (MN)	Regula	Young (FL)
King (IA)	Rehberg	

NOES—199

Abercrombie	DeFazio	Jackson-Lee
Ackerman	DeGette	(TX)
Alexander	Delahunt	Jefferson
Allen	DeLauro	John
Andrews	Deutsch	Johnson, E. B.
Baca	Dicks	Jones (OH)
Baird	Dingell	Kanjorski
Baldwin	Doggett	Kaptur
Ballance	Dooley (CA)	Kennedy (RI)
Becerra	Doyle	Kildee
Bell	Edwards	Kilpatrick
Berkley	Emanuel	Kind
Berman	Engel	Klecza
Berry	Eshoo	Kucinich
Bishop (GA)	Etheridge	Lampson
Bishop (NY)	Evans	Langevin
Blumenauer	Farr	Lantos
Boswell	Fattah	Larsen (WA)
Boucher	Filner	Larson (CT)
Boyd	Ford	Lee
Brady (PA)	Frank (MA)	Levin
Brown (OH)	Frost	Lewis (GA)
Brown, Corrine	Gonzalez	Lipinski
Capps	Gordon	Lofgren
Capuano	Green (TX)	Lowey
Cardin	Grijalva	Lucas (KY)
Cardoza	Hall	Lynch
Carson (IN)	Harman	Majette
Carson (OK)	Hastings (FL)	Maloney
Clyburn	Hill	Markey
Conyers	Hinchee	Marshall
Cooper	Hinojosa	Matheson
Costello	Hoefel	Matsui
Cramer	Holden	McCarthy (MO)
Crowley	Holt	McCarthy (NY)
Cummings	Honda	McCollum
Davis (AL)	Hoolley (OR)	McDermott
Davis (CA)	Hoyer	McGovern
Davis (FL)	Insee	McIntyre
Davis (IL)	Israel	McNulty
Davis (TN)	Jackson (IL)	Meehan

Meek (FL) Price (NC) Spratt
 Meeks (NY) Rahall Stark
 Menendez Rangel Stenholm
 Michaud Reyes Strickland
 Millender- Rodriguez
 McDonald Ross Tauscher
 Miller, George Rothman Taylor (MS)
 Mollohan Roybal-Allard Thompson (CA)
 Moore Ruppertsberger Thompson (MS)
 Moran (VA) Rush Tierney
 Murtha Ryan (OH) Towns
 Nadler Sabo Turner (TX)
 Napolitano Sanchez, Loretta Udall (CO)
 Neal (MA) Sanders Udall (NM)
 Oberstar Sandlin Van Hollen
 Obey Schakowsky Velazquez
 Olver Schiff Visclosky
 Ortiz Scott (GA) Waters
 Owens Scott (VA) Watson
 Pallone Serrano Watt
 Pascrell Sherman Waxman
 Pastor Skelton Weiner
 Payne Slaughter Wexler
 Pelosi Smith (WA) Woolsey
 Peterson (MN) Snyder Wu
 Pomeroy Solis Wynn

NOT VOTING—13

Akin Gephardt Pearce
 Bradley (NH) Gutierrez Sanchez, Linda
 Case Hobson T.
 Clay McCotter Stupak
 Fletcher Miller (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1552

So the previous question was ordered. The result of the vote was announced as above recorded.

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.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 199, not voting 15, as follows:

[Roll No. 587]

AYES—220

Aderholt Cannon Feeny
 Bachus Cantor Ferguson
 Baker Capito Flake
 Ballenger Carter Foley
 Barrett (SC) Castle Forbes
 Bartlett (MD) Chabot Fossella
 Bass Chocola Franks (AZ)
 Beauprez Coble Frelinghuysen
 Bereuter Cole Gallegly
 Biggert Collins Garrett (NJ)
 Bilirakis Cox Gerlach
 Bishop (UT) Crane Gibbons
 Blackburn Crenshaw Gilchrest
 Blunt Cubin Gillmor
 Boehlert Culberson Gingrey
 Boehner Cunningham Goode
 Bonilla Davis, Jo Ann Goodlatte
 Bonner Davis, Tom Goss
 Bono Deal (GA) Granger
 Boozman DeLay Graves
 Brady (TX) DeMint Green (WI)
 Brown (SC) Diaz-Balart, L. Greenwood
 Brown-Waite, Diaz-Balart, M. Gutknecht
 Ginny Doolittle Harris
 Burgess Dreier Hart
 Burns Duncan Hastings (WA)
 Burr Dunn Hayes
 Burton (IN) Ehlers Hayworth
 Buyer Emerson Hefley
 Calvert English Hensarling
 Camp Everett Herger

Hobson Moran (KS) Sensenbrenner
 Hoekstra Murphy Sessions
 Hostettler Musgrave Shadegg
 Houghton Myrick Shaw
 Hulshof Nethercutt Schiff
 Hunter Neugebauer Sherwood
 Hyde Ney Shimkus
 Isakson Northup Shuster
 Issa Norwood Simmons
 Istook Nunes Simpson
 Janklow Nussle Smith (MI)
 Jenkins Osborne Smith (NJ)
 Johnson (CT) Ose Smith (TX)
 Johnson (IL) Otter Souder
 Johnson, Sam Oxley Stearns
 Jones (NC) Paul Sullivan
 Keller Pence Sweeney
 Kelly Peterson (PA) Tancredo
 Kennedy (MN) Petri Tauzin
 King (IA) Pitts Taylor (NC)
 King (NY) Platts Terry
 Kingston Pombo Thomas
 Kirk Porter Thornberry
 Kline Portman Tiahrt
 Knollenberg Pryce (OH) Tiberi
 Kolbe Putnam Toomey
 LaHood Quinn Turner (OH)
 Latham Radanovich Upton
 Leach Ramstad Vitter
 Lewis (CA) Regula Walden (OR)
 Lewis (KY) Rehberg Walsh
 Linder Renzi Wamp
 LoBiondo Reynolds Weldon (FL)
 Lucas (OK) Lucas (AL) Weldon (PA)
 Manzullo Rogers (KY) Weller
 McCrery Rogers (MI) Whitfield
 McHugh Rohrabacher Wicker
 McInnis Ros-Lehtinen Wilson (NM)
 McKeon Royce Wilson (SC)
 Mica Ryan (WI) Wolf
 Miller (FL) Ryun (KS) Young (AK)
 Miller (MI) Saxton Young (FL)
 Miller, Gary Schrock

NOES—199

Abercrombie Eshoo Lucas (KY)
 Ackerman Etheridge Lynch
 Alexander Evans Majette
 Allen Farr Maloney
 Andrews Fattah Markey
 Baca Filner Marshall
 Baird Ford Matheson
 Baldwin Frank (MA) Matsui
 Ballance Frost McCarthy (MO)
 Becerra Gonzalez McCarthy (NY)
 Bell Gordon McCallum
 Berkley Green (TX) McDermott
 Berman Grijalva McGovern
 Berry Hall McIntyre
 Bishop (GA) Harman McNulty
 Bishop (NY) Hastings (FL) Meehan
 Blumenauer Hill Meek (FL)
 Boswell Hinchey Meeks (NY)
 Boucher Hinojosa Menendez
 Boyd Hoeffel Michaud
 Brady (PA) Holden Millender-
 Brown (OH) Holt McDonald
 Brown, Corrine Honda Miller, George
 Capps Hooley (OR) Mollohan
 Capuano Hoyer Moore
 Cardin Inslee Moran (VA)
 Cardoza Israel Murtha
 Carson (IN) Jackson (IL) Nadler
 Carson (OK) Jackson-Lee Napolitano
 Clyburn (TX) Neal (MA)
 Conyers Jefferson Oberstar
 Cooper John Obey
 Costello Johnson, E. B. Olver
 Cramer Jones (OH) Ortiz
 Crowley Kanjorski Owens
 Cummings Kaptur Pallone
 Davis (AL) Kennedy (RI) Pascrell
 Davis (CA) Kildee Pastor
 Davis (FL) Kilpatrick Payne
 Davis (IL) Kind Pelosi
 Davis (TN) Kleczka Peterson (MN)
 DeFazio Kucinich Pomeroy
 DeGette Lampson Price (NC)
 Delahunt Langevin Rahall
 DeLauro Lantos Rangel
 Deutsch Larsen (WA) Reyes
 Dicks Larson (CT) Rodriguez
 Dingell LaTourette Ross
 Doggett Lee Rothman
 Dooley (CA) Levin Roybal-Allard
 Doyle Lewis (GA) Ruppertsberger
 Edwards Lipinski Rush
 Emanuel Lofgren Ryan (OH)
 Engel Lowey Sabo

Sanchez, Loretta Spratt Udall (NM)
 Sanders Stark Van Hollen
 Sandlin Stenholm Velazquez
 Schakowsky Strickland Visclosky
 Schiff Tanner Waters
 Scott (VA) Tauscher Watson
 Serrano Taylor (MS) Watt
 Sherman Thompson (CA) Waxman
 Skelton Thompson (MS) Weiner
 Slaughter Tierney Wexler
 Smith (WA) Towns Woolsey
 Snyder Turner (TX) Wu
 Solis Udall (CO) Wynn

NOT VOTING—15

Akin Gephardt Sanchez, Linda
 Barton (TX) Gutierrez T.
 Bradley (NH) McCotter Scott (GA)
 Case Miller (NC) Stupak
 Clay Pearce
 Fletcher Pickering

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1600

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.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to adjourn offered by the gentleman from Florida (Mr. HASTINGS).

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 54, noes 360, not voting 20, as follows:

[Roll No. 588]

AYES—54

Ackerman Grijalva Meek (FL)
 Allen Hastings (FL) Meeks (NY)
 Baird Hill Millender-
 Baldwin Hinchey McDonald
 Ballance Honda Oberstar
 Berry Jefferson Pallone
 Brown, Corrine Johnson, E. B. Pelosi
 Capuano Jones (OH) Rodriguez
 Carson (IN) Kennedy (RI) Sandlin
 Clyburn Kilpatrick Schakowsky
 Davis (IL) Lampson Thompson (MS)
 DeFazio Langevin Tierney
 DeGette Lantos Towns
 Delahunt Larsen (WA) Velazquez
 DeLauro Larson (CT) Waters
 Dingell Lee Waxman
 Doggett McDermott Woolsey
 Filner McGovern
 Frank (MA) McIntyre

NOES—360

Abercrombie Bass Bishop (UT)
 Aderholt Beauprez Blackburn
 Alexander Becerra Blunt
 Andrews Bell Boehlert
 Baca Bereuter Boehner
 Bachus Berkley Bonilla
 Baker Berman Bonner
 Ballenger Biggert Bono
 Barrett (SC) Bilirakis Boozman
 Bartlett (MD) Bishop (GA) Boswell
 Barton (TX) Bishop (NY) Boucher