

DeFazio	Jontz	Pickett	Visclosky	Wheat	Wortley
Dellums	Kanjorski	Pickle	Volkmer	Whittaker	Wyden
Derrick	Kaptur	Porter	Vucanovich	Whitten	Wylie
DeWine	Kasich	Price (IL)	Walgren	Williams	Yatron
Dickinson	Kastenmeier	Price (NC)	Watkins	Wilson	Young (AK)
Dicks	Kennedy	Pursell	Waxman	Wise	Young (FL)
Dingell	Kennelly	Quillen	Weber	Wolf	
DioGuardi	Kildee	Rahall	Weldon	Wolpe	
Donnelly	Kolbe	Ravenel			
Dorgan (ND)	Kolter	Ray			
Downey	Konnyu	Regula			
Dreier	Kostmayer	Rhodes	Armey	DeLay	Miller (WA)
Duncan	Kyl	Richardson	Bartlett	Dornan (CA)	Schumer
Durbin	LaFalce	Ridge	Carr	Frank	Walker
Dwyer	Lagomarsino	Rinaldo	Chandler	Henry	Yates
Dymally	Lantos	Ritter	Crane	Lungren	
Dyson	Latta	Roberts			
Eckart	Leach (IA)	Robinson			
Edwards (CA)	Leath (TX)	Rodino	Bateman	Gephardt	Nichols
Emerson	Lehman (CA)	Roe	Biaggi	Gray (IL)	Ortiz
English	Lehman (FL)	Rogers	Bilirakis	Kemp	Oxley
Erdreich	Leland	Rose	Boland	Klecza	Rangel
Espy	Lent	Rostenkowski	Boner (TN)	Lancaster	Roemer
Evans	Levin (MI)	Roth	Conyers	Lewis (GA)	Sharp
Fascell	Levine (CA)	Roukema	Dixon	Livingston	Spence
Fawell	Lewis (CA)	Rowland (CT)	Dowdy	Lott	Staggers
Fazio	Lewis (FL)	Rowland (GA)	Early	Lowery (CA)	Stokes
Feighan	Lightfoot	Roybal	Edwards (OK)	McHugh	Tauzin
Fields	Lipinski	Russo	Foley	Molinari	Weiss
Fish	Lloyd	Sabo	Frost	Murtha	
Flake	Lowry (WA)	Saiki			
Flippo	Lujan	Savage			
Florio	Lukens, Thomas	Sawyer			
Foglietta	Lukens, Donald	Saxton			
Ford (MI)	Mack	Schaefer			
Ford (TN)	MacKay	Scheuer			
Frenzel	Madigan	Schneider			
Galleghy	Manton	Schroeder			
Gallo	Markey	Schuetz			
Garcia	Marlenee	Schulze			
Gaydos	Martin (IL)	Sensenbrenner			
Gejdenson	Martin (NY)	Shaw			
Gekas	Martinez	Shays			
Gibbons	Matsui	Shumway			
Gilman	Mavroules	Shuster			
Gingrich	Mazzoli	Sikorski			
Glickman	McCandless	Sisisky			
Gonzalez	McCloskey	Skaggs			
Goodling	McCollum	Skeen			
Gordon	McCurdy	Skelton			
Gradison	McDade	Slattery			
Grandy	McEwen	Slaughter (NY)			
Grant	McGrath	Slaughter (VA)			
Gray (PA)	McMillan (NC)	Smith (FL)			
Green	McMillen (MD)	Smith (IA)			
Gregg	Mfume	Smith (NE)			
Guarini	Mica	Smith (NJ)			
Gunderson	Michel	Smith (TX)			
Hall (OH)	Miller (CA)	Smith, Denny			
Hall (TX)	Miller (OH)	(OR)			
Hamilton	Mineta	Smith, Robert			
Hammerschmidt	Moakley	(NH)			
Hansen	Mollohan	Smith, Robert			
Harris	Montgomery	(OR)			
Hastert	Moody	Snowe			
Hatcher	Moorhead	Solarz			
Hawkins	Morella	Solomon			
Hayes (IL)	Morrison (CT)	Spratt			
Hayes (LA)	Morrison (WA)	St Germain			
Hefley	Mrazek	Stallings			
Hefner	Murphy	Stangeland			
Herger	Myers	Stark			
Hertel	Nagle	Stenholm			
Hiler	Natcher	Stratton			
Hochbrueckner	Neal	Studds			
Holloway	Nelson	Stump			
Hopkins	Nielson	Sundquist			
Horton	Nowak	Sweeney			
Houghton	Oakar	Swift			
Howard	Oberstar	Swindall			
Hoyer	Obey	Synar			
Hubbard	Olin	Tallon			
Huckaby	Owens (NY)	Tauke			
Hughes	Owens (UT)	Taylor			
Hunter	Packard	Thomas (CA)			
Hutto	Panetta	Thomas (GA)			
Hyde	Parris	Torres			
Inhofe	Pashayan	Torricelli			
Ireland	Patterson	Towns			
Jacobs	Pease	Traffant			
Jeffords	Pelosi	Traxler			
Jenkins	Penny	Udall			
Johnson (CT)	Pepper	Upton			
Johnson (SD)	Perkins	Valentine			
Jones (NC)	Petri	Vander Jagt			
Jones (TN)		Vento			

NOES—14

Armey
Bartlett
Carr
Chandler
Crane

NOT VOTING—35

Bateman
Biaggi
Bilirakis
Boland
Boner (TN)
Conyers
Dixon
Dowdy
Early
Edwards (OK)
Foley
Frost

□ 1445

Mr. DELAY changed his vote from "aye" to "no."

Mrs. SCHROEDER and Mr. MOORHEAD changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall 343, I was unavoidably absent. Had I been present, I would have voted "aye."

Mr. ERDREICH. Mr. Chairman, I rise in support of H.R. 2310, and appreciate the opportunity to mention a few items in the bill that are important for medium-sized primary airports, such as the Birmingham Airport in my district.

One assumption that underlies this bill is that air service and passenger safety will improve if the medium-sized airports are able to function at their fullest potential. This is certainly true. The bill continues the priority of safety and navigational uses of trust fund money, but it does allow the use of funds for terminal development projects up to the amount of the airport's entitlement, and the use of an increased Federal match, if the Secretary of Transportation finds that such increases are in the public interest. Terminal development is a major expenditure that airports face for which there has been little help from the Federal Government. While I understand why safety-related projects receive priority, I have been working for increased support for medium-sized airport development, and am glad that the committee has included a means by which some airports will be able to receive help with the major expense of terminal development.

The committee has also included a requirement that the FAA study long-term airport capacity needs. The FAA will project the volume of air traffic to 2010 and will specify options best suited to accommodating this traffic. I suspect that one option the FAA will find feasible is the increased development of medium-sized airports to handle some of the

traffic that has been causing havoc at the largest airports.

Except for flights between major cities, air travel for most Americans means a change of planes at a hub airport. That system multiplies takeoffs and landings, crowding limited airways even more, adding to passenger delays and eroding the safety margin. Greater use of our medium-sized airports has to be the answer to current air travel problems. One commentator recently called the hub and spoke system a "hub and choke bottleneck." We need to do better, and soon.

I am encouraged by the work that the committee has done with this measure and look forward to additional efforts to improve our national transportation system.

AMENDMENT OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Amendment offered by Mr. HOWARD: At the end of the bill, add the following new Title:

TITLE IV

SEC. 401 BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.

(a) TREATMENT OF TRUST FUND OPERATIONS.—

(1) IN GENERAL.—The receipts and disbursements of the Airport and Airway Trust Fund allocable to the transportation-related operations of such Trust Fund—

(A) shall not be included in the totals of—
(i) the budget of the United States Government as submitted by the President, or

(ii) the congressional budget (including allocations of budget authority and outlays provided therein), and

(B) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

(2) TRANSPORTATION-RELATED OPERATIONS DEFINED.—For purposes of paragraph (1), the receipts and disbursements allocable to the transportation-related operations of the Airport and Airway Trust Fund are the disbursements, and the receipts allocable to such disbursements, under paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from the Airport and Airway Trust Fund for the airport and airway program).

(b) ADJUSTMENTS OF AUTHORIZATIONS AND APPROPRIATIONS OUT OF TRUST FUND.—The Airport and Airway Improvement Act of 1982 is amended by adding at the end the following new section:

"SEC. 533. ADJUSTMENTS OF AUTHORIZATIONS AND APPORTIONMENTS.

"(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the next fiscal year, and

"(2) the net aviation receipts for the 24-month period beginning at the close of such fiscal year.

"(b) PROCEDURE WHERE THERE IS EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary of Transportation determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the

Secretary shall determine the amount of such excess.

"(c) ADJUSTMENT OF AUTHORIZATIONS WHERE UNFUNDED AUTHORIZATIONS EXCEED 2 YEARS RECEIPTS.—

"(1) DETERMINATION OF PERCENTAGE.—If the Secretary of Transportation determines that there is an excess referred to in subsection (b), the Secretary of Transportation shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated and the amounts available for obligation from the Airport and Airway Trust Fund for the next fiscal year.

"(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary of Transportation determines a percentage under paragraph (1), each amount authorized to be appropriated or available for obligation from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—If, after an adjustment has been made under subsection (c)(2), the Secretary of Transportation determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated or available for obligation that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary of Transportation determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction). The Secretary of Transportation shall apportion amounts made available for apportionment by reason of the preceding sentence. Any funds apportioned pursuant to the preceding sentence shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned pursuant to the preceding sentence.

"(e) DEFINITIONS.—For purposes of this section—

"(1) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorizations' means, at any time, the excesses (if any) of—

"(A) the total amount authorized to be appropriated or available for obligation from the Airport and Airway Trust Fund which has not been appropriated or obligated, over

"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation or to liquidate such obligations (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).

"(2) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period, the excess of—

"(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

"(B) the amounts to be transferred during such period from such Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

"(f) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary of Transportation to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on

Public Works and Transportation of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate."

(c) CONFORMING AMENDMENTS AND LIMITATIONS TO THE BUDGET PROCESS.—

(1) EXEMPTION FROM SEQUESTRATION ORDER.—Section 255(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905; 99 Stat. 1083) is amended by inserting after the 1st undesignated paragraph (relating to activities resulting from private donations) the following new undesignated paragraph:

"Airport and Airway Trust Fund (69-8106-0-7-402; 69-8107-0-7-402; 69-8108-0-7-402; 69-8104-0-7-402);"

(2) TREATMENT OF TRUST FUND RECEIPTS FOR DEFICIT CALCULATION PURPOSES.—Section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the second sentence the following new sentence: "In calculating the deficit for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985 and in calculating the excess deficit for purposes of sections 251 and 252 of such Act of 1985 for any fiscal year, the receipts of the Airport and Airway Trust Fund allocable to the transportation-related operations of such Trust Fund for such fiscal year shall be included in total revenues for such fiscal year, and the disbursements allocable to the transportation-related operations of such Trust Fund for such fiscal year shall be included in total budget outlays for such fiscal year. For purposes of the preceding sentence, the receipts and disbursements allocable to the transportation-related operations of such Trust Fund are the disbursement, and the receipts allocable to such disbursements, under paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from the Airport and Airway Trust Fund for the airport and airway program)."

(3) LIMITATIONS ON CONGRESSIONAL BUDGET PROCESS.—Section 310 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new subsection:

(h) LIMITATION ON CHANGES TO THE AIRPORT AND AIRWAY TRUST FUND.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider—

"(1) any concurrent resolution on the budget for any fiscal year, or any amendment thereto or conference report thereon, that assumes or contains in the aggregate totals or functional categories provided for by section 301(a) any amount of budget authority or budget outlays from the Airport and Airway Trust Fund,

"(2) any concurrent resolution on the budget for any fiscal year, or any amendment thereto or conference report thereon, that contains reconciliation instructions with respect to the Airport and Airway Trust Fund, or

"(3) any reconciliation bill or reconciliation resolution reported pursuant to a concurrent resolution on the budget agreed to under section 301 or 304, or a resolution pursuant to section 254(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, or any amendment thereto or conference report thereon, that contains recommendations with respect to the Airport and Airway Trust Fund."

(4) CONFORMING ENFORCEMENT PROCEDURES.—Sections 301(c), 302(f), 303(a), 311(a), and 402 of the Congressional Budget

and Impoundment Control Act of 1974 shall not apply to any bill, resolution, or amendment (including a conference report thereon) which provides budget authority, contract authority, or budget outlays from the Airport and Airway Trust Fund.

(d) APPLICABILITY.—Subsections (a), (b), and (c) and the amendments made by such subsections shall apply to fiscal years beginning after September 30, 1987.

Conform the table of contents of the bill accordingly.

Mr. HOWARD [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 New Jersey?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from New Jersey [Mr. HOWARD] will be recognized for 30 minutes and the gentleman from South Carolina [Mr. DERRICK] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, the American people pay taxes to maintain our roads and our bridges and our airports. They do so every time they buy a gallon of gas or an airline ticket.

Congress has promised the taxpayers of our country that this money would be used solely for those purposes. Thus, Congress takes the taxes so collected and places them into trust funds. These funds can be used by law only for the purposes for which the tax was collected.

Mr. Chairman, I stand today supporting the amendment offered by the gentleman from New Jersey [Mr. HOWARD] to move the aviation trust fund off the unified Federal budget. I do so because by leaving it on that budget it will be left there at the mercy of Gramm-Rudman manipulation.

The American people pay a tax. They do not like it, but they pay that tax. Congress has made political commitments that that money would be used for those purposes. So I think it is time today that Congress honors that commitment.

The American people have paid the tab, and too often we forget that around here. Every trust fund we have should be moved off that unified Federal budget, and I think we start here today.

I am asking every Member to look at this very carefully, to vote today and send a message that we will take this trust fund off the budget, and we will do that in the future with our highway trust fund and every trust fund that we have.

Mr. DERRICK. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I think this debate has been trivialized if we think it is simply a clash between committees. It is not just the Public Works and Transportation Committee versus the Appropriations Committee or the Budget Committee or anything else. That might have been the case a few years ago before Gramm-Rudman came along, but now it is a different situation.

We are talking about an imminent sequestration that all of us know may well be coming down the pike because this President seems to think that it is impossible to increase taxes during his term in office. What we are doing here today, therefore, is voting on whether or not we are going to take \$1.5 billion more in cuts in programs across the board. It is all well and good, and we all like to pour concrete, and we hate this fight. It is all well and good to tell people outside here who are in the building trades or some other element of the airline industry that we are going to do what is right for them given the problems that our airlines and our airports have these days. But what about the other people who really are part and parcel of this debate who are not here? What about those who care about AIDS research, or programs for children or toxic waste cleanup or all of the other things that we have cutting back reluctantly and will be cutting back across the board in this meat ax approach that Gramm-Rudman brings? Those people have to be part of this debate too.

So I have one message that I really want to give my colleagues today, and that is that this is our first test in the aftermath of the adoption of the fix of Gramm-Rudman. If my colleagues really are serious about making across-the-board cuts, if they really do not think we can be selective, then we begin the process today if we exempt this trust fund of making it difficult for everybody else.

There are some 100 other trust funds that could follow this precedent. That is 20 percent of our budget. Are we going to take that off budget? I hope we will think of all of the other people who are part of this debate and vote down this amendment.

Mr. HOWARD. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the full Committee on Public Works and Transportation.

□ 1500

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in very strong support for this amendment to take the aviation trust fund off-budget. This action would have far-reaching implications for our Nation's airport and

airway system. Growing concern over the system's deterioration demands that we act without any further delay. We simply cannot continue with business as usual where our Federal aviation program is concerned.

The current airport chaos, flight delays, and uncertainty about safety in the skies are really unnecessary. We have a trust fund already in place that was created specifically to address these concerns.

Unfortunately, this deficit-free, self-supporting trust fund is not being used fully because the practice to this point has been to use the fund's surplus to make the Federal deficit look smaller than it is in fact.

The current policy completely ignores the fact that the traveling public has paid for a great deal of air safety they are not getting. Safety—that is what this issue is all about.

People in and out of the Halls of Congress are beginning to wonder why air travel is becoming such a hassle and a hazard when the airport and airway trust fund is running a balance of almost \$5.7 billion—money that could go a long way toward addressing many of the problems that exist today.

Those of us who support this amendment want to see that money used. That is why we want to remove the airport and airway trust fund from the constraints of the Unified Budget, Gramm-Rudman, and sequestration. Until we do this, the growing balances in the trust fund will continue to be held hostage to the problem of general fund deficits.

Some may tell you that we are spending all we can on aviation improvements. But this is not true. Billions of dollars worth of airport improvements have been identified. Yet over the past 5 years actual funding for airport improvements has fallen \$459 million below authorized levels. If the trust fund remains on-budget, this underfunding can be expected to continue while congestion and delays will get worse and surplus will continue to grow.

It is time to restore trust to the trust fund and put those trust fund dollars to work for an air system that badly needs some work. When we do this—when we stop breaking faith with air travelers and stop insulting the integrity of the budget process—then we can begin to put an end to the delays, the chaos, and the safety risks that are making our skies a lot less friendly than we would like them to be.

Therefore, if you want to do something to improve service, reduce delays, and enhance safety, I urge you to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from

Florida [Mr. MacKAY], for purposes of debate only.

Mr. MacKAY. Mr. Chairman, I have been part of a bipartisan group for the past 3 years that has been trying to enforce the budget act. I am looking on both sides of the aisle now because there are Members on both sides who have been supportive of this. Most recently this group attempted to bring about credit reform. We found ourselves fighting the Appropriations Committee. In fact, we have found ourselves fighting the Appropriations Committee on a number of occasions. I have the feeling now and it is a fairly sad feeling that we are seriously considering moving in the wrong direction.

And for those of us who are not members of Public Works and who are not familiar with airport matters, I hope you will look at this very closely as a question of budget policy. This is a step in the wrong direction. The Committee on Appropriations is right on this. Fiscal policy should be looked at as a whole. It does not make sense to have part of it on-budget and part of it off-budget. If we are going to continue this battle for budget reform and for serious fiscal policy in both parties, then we have got to see this issue in terms of whether it helps or hurts or strengthens the budget process and strengthen fiscal policy.

And I can tell you this would be a major step in the wrong direction. I hope those 80 percent of this House who are not on either of those committees, who have not fought this issue out in the trenches, will take a look at the implications of this in terms of the big picture.

I strongly oppose this amendment and I urge those who care about fiscal policy to stay with the Appropriations Committee.

Mr. Chairman, I yield back the balance of my time.

Mr. HOWARD. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, this bill authorizes \$28 billion over 5 years to keep our skies safe. That is double what we authorized over the past 5 years. This money really does not go for concrete; the money goes for safety. Yes, we have a crisis in the budget but we also have a crisis in our skies. The issue is will we spend the money that our constituents pay every time they fly to keep the skies safe, to modernize the system and to prevent midair collisions? I believe that adopting the Howard amendment will move us in that direction.

In my view, this is an amendment on air safety and I hope my colleagues will support the Howard amendment.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Ways

and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I would like to state my strong opposition to this amendment which removes the airport and airway trust fund from the unified budget and sequestration under Gramm-Rudman.

It is important that the Congress and the administration have the opportunity to consider all expenditures and receipts of the Federal Government in determining the budget policy, including those related to this trust fund. Off-budget activities of the Federal Government do not receive the same level of budget review as on-budget activities.

This amendment exempts the trust fund from sequestration under Gramm-Rudman. Only 60 percent of the Federal Aviation Administration budget currently is derived from the airport trust fund—the remainder is financed out of general funds. Removing the trust fund from the budget and Gramm-Rudman sequestration means the remaining 40 percent of the FAA budget must take additional cuts. That 40 percent covers the spending most directly related to safety: Salaries for controllers, inspectors, and equipment maintenance personnel.

In the event of sequestration, an exemption of these funds would also increase the hit on other nondefense programs such as Head Start, social services block grant, and drug and law enforcement activities.

It would also establish a precedent for taking other programs off-budget such as the highway trust fund and exempting more programs from sequestration. On Tuesday of this week, the President signed into law a revitalized Gramm-Rudman law. We should not take any steps today to further amend Gramm-Rudman and undercut the political pressure needed to achieve \$23 billion of deficit reduction instead of sequestration.

The simple fact is that taking the airport trust fund off-budget will increase the budget deficit by \$1.8 billion in fiscal year 1988, \$6.4 billion over the next 3 fiscal years.

However, removing these funds from the budget will not necessarily increase spending from them. Expenditures from the funds will still be subject to the appropriations process.

In addition to all my previous points, I believe the Committee on Ways and Means' tax title is designed to solve the "surplus" problem since airway taxes will automatically be lowered if the trust fund balance exceeds \$2 billion and funds in the trust fund are not spent.

I urge all of my colleagues to reject the amendment.

Mr. HOWARD. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, it is time for truth in taxing. I want to give what might appear to be a convoluted theory here and I know I am at risk in doing so, but I will do it anyway.

The theory is that the American people do not mind paying taxes if they are convinced—and that is an important if—if they are convinced that the revenue raised is being used prudently for a worthy purpose.

The American traveling public pays 8-percent tax on all airline tickets. That money goes into a fund which is accumulating at a \$3.1 billion rate per year. It is dedicated, it cannot be used to house anybody or to feed anybody or for any other purpose. It can only be used for its intended purpose, to make our Nation's air system safer and more efficient.

What more can we ask for at this time in our history?

We are hearing daily from all our constituents.

Let us do it. It is time for truth in taxing.

I urge adoption of the Howard amendment.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I rise in strong opposition to this amendment. Let me just make three very important points. First is technical problems; it is technical problems, not funding, that is holding up the modernization program of the FAA.

Let me quote from our hearings. The distinguished chairman of our subcommittee, the gentleman from Florida [Mr. LEHMAN], asked the representatives of the General Accounting Office: "Your recent report on the NAS plan indicates that there have been considerable slippages in all of the major systems. What, in your view, are the major reasons for these delays and has the lack of funding been a cause for these delays? My interpretation of your remark was that lack of funding was not the cause."

The GAO through Mr. McCLURE stated, "That is correct." At a hearing about a month ago FAA agreed with us. There has been no particular instance they can point to where funding has been the major problem that has caused delay.

In program after program, GAO stated the reasons for delay: technical problems, contract delays, slippage problems, not lack of funding.

To take the trust fund off budget will not solve the problems because they are technical problems.

Second, it is community opposition, not lack of funding that is holding up airport construction. We cannot build airports. We cannot get communities to agree to have airports. We have environmental problems; we have congestion; we have noise.

Taking the trust fund off budget will not build more airports.

Third, taking the trust fund off budget will hurt, not help, air safety. If you have a sequestration and you have this off budget, you will be cutting funding for air traffic controllers and for inspectors. Let us make it very clear: The major funding for the operations of the FAA come not from the trust fund but from the General Treasury.

If you force sequestration in that area or have budgetary considerations that cause cuts in that area, you will be hurting air safety.

Taking the trust fund off budget will not help the airlines meet their schedules, it will not help you get your baggage, it will not spend the funds more quickly.

What taking the trust fund off budget will do is to hurt air safety.

Mr. HOWARD. Mr. Chairman, I yield 1 minute to a member of our committee, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, why did Congress tax airline passengers, establish a trust fund and then somewhere along the line later on decide not to use that money?

If we do not take the aviation trust fund off budget that is what we will be doing, breaking faith with airline travelers. People of this country agreed to be taxed when they get on board an airplane everytime they buy a ticket, for the specific purpose of making their travel safe and efficient and dependable.

That is the purpose of the aviation trust fund. If you do not use the money you have broken faith with the taxpayers and with the law that we passed to set the tax up in the first place and establish the trust fund to assure the continuity of funding. If the argument prevails that sequestration will be shoved off onto other functions of the budget because we have taken the aviation trust fund off budget, then why is not the Social Security trust fund subject to sequestration? Why are not a number of other trust funds subject to sequestration? Because we removed some of those from the ambit of sequestration. The argument is empty.

Vote to take the trust fund off budget.

□ 1515

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Chairman, I would make the point that a vote to take the trust fund off budget is a vote to hurt air traffic safety. The point has already been made, 70 percent of the operations of the FAA come out of the general fund. That is the air traffic controllers, that is all of the flight

service, which my colleagues have been standing up and talking about, and we have people who are complaining in the airframe and powerplant area that they cannot get certification rapidly enough of modern new equipment.

All of that is done by people whose salaries come out of the general fund, not out of the trust fund.

The effect really here is that, if you take this trust fund off budget, you will not allow us to score that as we appropriate more money, and we have increased the FAA operating about 30 percent, we have appropriated \$2.3 billion out of the trust fund that remains down at FAA unobligated.

The problem is not at the appropriation level. The problem is not our uninterest in spending this money to keep faith with the American taxpayers, as the previous speaker has alluded to. The problem is down the street. There are mismanagements, the FAA took on a \$12 billion modernization plan that they were ill-equipped to take on. They have missed every deadline, every target.

The General Accounting Office points out that they are behind in 11 out of 11 programs.

So we have still appropriated money faster than they have been able to spend it. What this all really amounts to is that we are all angry at lost bags, we are all angry at misconnections, we are all terrified of airline crashes, but instead of getting on with fixing the problem, we want to go kick the dog. It is somewhat like being mad at your spouse and wanting to go kick the dog.

In this case the dog is the Appropriations Committee that has to deliver the bad news that a vote for the Howard amendment is a vote to cut air traffic controller salaries, inspector salaries, and positions, and maintenance. These are the things that are day-to-day safety in this aviation environment.

I say to my colleagues please do not vote to make the skies less safe than they are already.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, we are going to probably hear about two letters during this debate, one from the Department of Transportation, one from the Office of Management and Budget, perpetrating the myth that taking these trust funds off budget will increase the deficit, and will do some violence, grievous violence to the unified budget and therefore should be rejected.

We ought to find out which position these two departments basically are taking. In the case of the Department of Transportation, they object to this at the same time the Secretary has been going around the country attacking us in the Congress for failing to

spend the surplus in the trust fund. So there is a real inconsistency here.

In the second place, with regard to the Director of OMB, Mr. James C. Miller's objection, earlier this year in a hearing before the Subcommittee on Investigations and Oversight in response to questions from our colleague, the gentleman from Georgia [Mr. GINGRICH], Mr. Miller took exactly the opposite position with respect to the trust fund. He was asked by the gentleman from Georgia [Mr. GINGRICH]:

First of all it does not matter if the trust fund is off budget or on budget?

Mr. Miller. "Yes."

The gentleman from Georgia [Mr. GINGRICH] said:

I better write that down because I want to come back to that. I want to know, is that a correct quote?

Mr. Miller. "Right."

Further on, the gentleman from Georgia [Mr. GINGRICH] said:

Before you go on and complicate it on technicalities, are you going to withdraw your previous statement that it does not matter about the trust fund?

Mr. Miller's answer:

No, I was saying it does not matter with respect to the deficit. It would not have mattered whether the airport and airways trust funds were on budget or off budget.

So here we have two positions totally contradictory with what we are hearing today.

Mr. Chairman, the argument that taking it off budget is going to do damage to the orderly budget process is nonsense. In this case, our budget process is a shambles already. Today is the first day of the fiscal year, and we have yet to appropriate any money for any purpose.

Mr. Chairman, I urge an "aye" vote for the Howard amendment.

Mr. DERRICK. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on Government Operations.

Mr. BROOKS. Mr. Chairman, I rise in strong opposition to this amendment that proposes to remove the airport and airway trust fund from the budget and Gramm-Rudman sequestration processes.

The Committee on Government Operations has jurisdiction over the Budget and Accounting Act as well as parts of the Congressional Budget Act. In chairing this committee it has become very clear that fragmenting the Federal budget process by removing accounts from the budget will make even more difficult the already arduous task of gaining some control over Federal budget issues. Removing the airport trust fund from the budget process would be a major defeat for the effort to bring all accounts into the process so that the President and the Congress will have more control over the entire Federal budget.

In addition, exempting the airport trust fund from the Gramm-Rudman sequestration will have significant budget impacts. Exempting this program from sequestration will increase the cuts experienced by all remaining sequestrable programs in the event a sequester occurs.

While proponents of this amendment argue that the dollar impact of removing the airport trust fund from the sequestration process will be minute, to do so will set a very dangerous precedent for similar trust funds. According to the General Accounting Office, there are over 100 other similarly situated trust funds which account for close to 20 percent of on-budget outlays. Should these funds be granted the same treatment as is proposed for the airport trust fund, the impact on other sequestrable programs as well as the budget process could be enormous.

In closing, I would like to remind you that just a few days ago we approved the work of the conference on the debt limit bill. A major part of this conference involved budget reform issues. After much discussion, it was agreed that matters of budget reform would be pursued but with great care so as to not create more problems than they purportedly solved. In the aftermath of this carefully crafted agreement on budget reform, it would be a travesty to approve this amendment as our first act of reforming the Federal budget process.

Mr. Chairman, I yield back the balance of my time.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BOSCO], a member of the committee.

Mr. BOSCO. Mr. Chairman, one of the amusing things about the Congress is that we never agree on the facts. One can only imagine that if we could agree on the facts, what arguments we would still have on the politics, but we never even agree on the facts. There are a few facts though that I would want to state today that are uncontroverted.

One is that we have heard that there are over 100 trust funds, and that this is the same as all of them. That is not true. There are three trust funds that are completely separate and apart from the general fund that receive no general fund revenues, and this is one of them.

Second, the second fact is our airports in this country are a shambles. I would like to have the name of any Member of Congress that would argue with that, and in just a few minutes we are going to those airports, and I ask my colleagues to take a close look around and see if there is any debate concerning that statement.

Third, in 1970 we made a promise with the American people. We said

that we will repair those airports, we will get the equipment we need, we will build the runways, we will set up a completely separate fund not of the general fund, but a separate fund. We said to them, give us your tax money for that fund and we will spend it.

Now our colleagues are here saying, what about education, what about defense, what about AIDS?

Mr. Chairman, we have not set up trust funds for those items. In fact, I would like to posit this thought with you. What if we did set up a trust fund, for instance, to eliminate AIDS and we know how dearly every one of us would want to do that. What if we set, for instance, a very small surcharge on pharmaceuticals that every time someone bought a bottle of aspirin or drugs, that that money would go into a special trust fund for research on AIDS? It might actually be a good idea, it might help solve the problem, but what if we did not spend that money in research on AIDS? I wonder if my colleagues can imagine the outrage there would be in this country.

That is exactly what we are doing with the airport trust fund, and I say today let us pass this amendment and get on with building our country's airports.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise to oppose this amendment. Under the Gramm-Rudman-Hollings budget process we are forced to face up to some tough budget choices because if we fail to do that, we are faced with automatic cuts across the board. That should result in both Congress and the President getting their heads together in order to avoid those automatic cuts by coming up with some kind of a budget compromise that will help us to reduce this deficit.

Unfortunately, Gramm-Rudman-Hollings already exempts too much from that process. We do not need to exempt more. Spreading the pain around to as many programs as possible is the best way to assure that all of us get into the act in terms of working out a deal with the administration that will avoid the automatic cutting process.

It will force us to set priorities, to pick and choose, and to work out a compromise. This is not an aviation or safety issue, it is a budget issue.

Mr. Chairman, I urge rejection of the amendment.

Mr. HOWARD. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska [Mr. DAUB], a member of the Committee on Ways and Means.

Mr. DAUB. Mr. Chairman, I applaud the esteemed chairman of the Committee on Public Works and Transportation for taking this initiative to remove the airport and airways trust fund from the Federal budget. In re-

moving the trust fund from the budget, a victory with respect to making sense of the budget process will be achieved. For once, taxes collected from aviation users for the purposes of updating and improving airports will be reserved for that use.

The revenue title contained within title II of this bill ensures that those excise taxes that finance the trust fund will be spent on the air safety programs. By adding a trigger mechanism to encourage expenditures on these programs, the mission of the trust fund is properly recognized.

I authored the trigger tax mechanism in the Committee on Ways and Means. That was not authored to suggest that the trust fund, therefore, should be retained within the unified budget. Truth in budgeting requires us in addition to the support of the trigger tax, to put this trust fund off budget.

Mr. Chairman, there is no assurance from here to conference that we will maintain the ability to utilize that trigger tax to force the spending of the passenger tax, the fuel aviation tax, the cargo tax, all to be spent as they should. Let us unmask the improper spending in the general sections of our revenue effort around here and let us put the trust fund off line and be assured at the same time that we have a trigger tax to force that spending.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of the committee.

Mr. ROWLAND of Georgia. Mr. Chairman, I think it is important for Members of this House to understand how this trust fund is used and how it works. I think that that is very important. The money comes into this trust fund comes from dedicated revenues. That money comes from aviation and it is only to be used for airports and airways.

However, that is not what happens.

There is a surplus now in that fund, and under the law government securities have to be purchased with that surplus. Over \$5 billion at this point has been spent in that fashion. The money from that goes into the general fund, and then it can be used anywhere. It can be used for AIDS, it can be used for welfare, it can be used for education. That is what Members are saying. Actually it is only a paper exchange, but if it is a real exchange, remember this, that that money has to be used from the general fund to repurchase those securities. So you are really nowhere. You have not gained anything at all.

This is a cockeyed way to try to balance this budget. People are scurrying around all over the place to try to find money to balance the budget under our present budgetary constraints. That is not the way to do it. It is

sleight of hand, legerdemain, and it is just fooling everyone.

□ 1530

Mr. Chairman, that is not the way to do it. We need to balance this budget by being realistic.

I urge support of this amendment. Let us get that trust fund out of the unified budget.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment, which would remove the airport and airway trust fund from the unified budget.

In my opinion, this amendment is simply a bad idea.

First, taking the trust fund off-budget would hinder congressional oversight of a major Federal program. Since these transportation programs are authorized on a multiyear basis, Congress would not be required to review these programs for as long as 5 years.

I believe, as many of our constituents do, that annual controls are necessary for Congress to review Government spending and set priorities.

Second, taking the aviation trust fund off-budget would increase the congressional budget deficit in fiscal year 1988 by \$1.5 billion, assuming enactment of House-passed transportation appropriations.

If automatic reductions are triggered under the Gramm-Rudman law, exempting aviation programs from Gramm-Rudman would require other programs, such as education, health care, and agriculture, to take additional automatic reductions in fiscal year 1988—or would require an increase in taxes of the same amount.

In fact, trust funds already receive favored status under Gramm-Rudman. When an automatic cut is made in general-funded programs, that spending authority is permanently cancelled; when an automatic cut is made in trust fund accounts, spending is merely deferred. The unspent revenues remain in the fund to be spent in future years, and the funds earn interest until they are spent.

Third, increased spending will not improve airline service as long as airlines schedule more flights per hour than airports can handle. The problems facing today's consumers who fly—lost bags, cancellations and late flights, and overbookings—won't be solved by more Federal spending, but by better airline management.

I urge a vote against this amendment.

Mr. HOWARD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH], the ranking

California [Mr. MINETA], the chairman of our Subcommittee on Aviation.

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

Mr. Chairman, I rise in strong support of the amendment.

Taking the trust fund off-budget is one of the most important steps we can take toward improving the safety and efficiency of our Air Transportation System. At the same time, taking the trust fund off-budget will not add to the basic budget deficit and will not interfere with the jurisdiction of other committees.

Over the past 5 years, more than \$2 billion of trust fund money which was authorized for needed airport and airway improvement was not appropriated. The amounts not appropriated include \$460 million for airport development and \$1.6 billion for facilities and equipment, the program under which FAA plans to modernize the Air Traffic Control System and replace the antiquated vacuum tube technology with up-to-date computers and radars. The failure to appropriate funds for capital development also resulted in a shortfall of more than \$3 billion of authorized spending from the trust fund for FAA operations.

It has been suggested that the failure to appropriate capital development funds was due to the fact that FAA could not spend them even if they were appropriated. I strongly disagree. There was no excuse for not spending \$460 million for airport development. There are always a large number of airport development projects ready to go forward and these projects do not depend on any technological innovations.

I further believe that most of the \$1.6 billion shortfall in facilities and equipment spending was due to budgetary pressures rather than technical problems. A good example is the Terminal Doppler Radar Program. In the fiscal year 1988 budget, the FAA proposed making a contract award in fiscal 1988, but because of budget pressures the House Appropriations Committee cut \$120 million from the program, deferring the contract awards until fiscal year 1989 at the earliest.

A similar delay because of budgetary pressures took place in 1985 when the Office of Management and Budget ordered a stop in the Terminal Doppler Radar Program for a study of whether off-the-shelf technology could meet the objectives of the program. The study concluded to no one's surprise that off-the-shelf technology was not sufficient. In my opinion, the study was conducted simply to delay the program and save some money in the budget. We find similar delays in other FAA programs.

Inclusion of the trust fund in the budget gives strong incentives to delay programs and reduce spending. When

the trust fund operates at a surplus in a given year, that surplus reduces the deficit in the general budget. The opportunity to use the trust fund to reduce the overall deficit creates strong and enticing incentives to spend less than is authorized or needed. Taking the trust fund out of the budget will remove the incentives.

In reality the trust fund is not a part of our deficit problem since the trust fund is fully supported by taxes paid by aviation users. The money in the trust fund cannot be spent for other purposes, so in reality building a surplus in the trust fund does not help reduce the deficit in the rest of the budget.

Finally, Mr. Chairman, I would point out that the off-budget amendment would not limit the jurisdiction of the Appropriations Committee. The Appropriations Committee would still oversee the FAA's Facilities and Equipment Program and annual appropriations would still be required for this program. The Appropriations Committee would still have the authority to impose obligation ceilings on the Airport Improvement Program. The only change which taking the trust fund off-budget would make, would be to remove the incentive to spend less than airline passengers are contributing to reduce the deficit in the rest of the budget.

Mr. Chairman, I believe that the amendment now before us is the single most important step we can take to improve airline service and ensure the safety of air transportation. I urge support of this amendment.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GRAY], the distinguished chairman of the Committee on the Budget.

Mr. GRAY of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment. I know the proponents of this amendment have an argument that sounds very good, particularly when most of the Members in this Chamber fly around the Nation. It sounds good to you out there on television, air safety, particularly when you have heard so much about midair collisions and also about crashes.

Let me tell the Members something. What we are doing here today has nothing to do with any of that. Let us answer some questions factually and get rid of the emotion.

No. 1, why do we have a surplus? A surplus in the trust fund is there because the money has not been spent. Is it because Congress has not appropriated the money? Of course not. In fact, under the House-passed budget resolution and also the House-passed appropriation, there was an increase in funding of 63 percent for airport

construction, 35 percent for improving facilities, 27 percent for operations to hire more controllers, and 9 percent for increased research and engineering activities.

□ 1545

So it is not because Congress is not providing the money. The reason is, and most of us know it, because of the delays over at the other end of Washington where you have got over in the executive branch the inability to deal with the technical delays in modernization.

Second, we have some very interesting quirks in our authorization laws that provide penalties and restrictions. For instance, take the Doppler Radar System. Well, if it is not ready and you do not buy it, you cannot get it out of the trust fund; but then we have a restriction that says you cannot therefore use the trust fund money for operations; so we have a catch-22. So the surplus is there and everybody who says there is a surplus is right.

This Congressman would like to see it spent. Lord knows I would like to see it spent, but it is not because of the fact that it is on-budget or off-budget. That is not the reason.

So when you vote today, do not think you are going to increase spending on safety and control and operations by moving it on- or off-budget. That is not the issue.

Second, we have heard a great hue and cry here about budget and budget pressures, the evil budget. Let me tell you something, I remember so many of the people who used to come down in the well, just the other day, talking about the need for deficit reduction. Now they say, "Don't worry about those things. Don't worry about it." Even though yesterday the President signed a Gramm-Rudman fix.

Well, I cannot help but notice the tremendous inconsistency in what this House did yesterday.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DERRICK. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I cannot help but notice a tremendous inconsistency in what this House did yesterday and the tremendous inconsistency on what happened July 13 this year when many of the same Members came down here and argued for a 2-percent cut across-the-board in transportation which would have eliminated 500 FAA personnel.

Now they are saying air safety, we cannot do anything about that, we have got to move the trust fund over.

I simply say, we know what the real issue here is. It has nothing to do with air safety. It has to do with jurisdiction, folks. America, what you have

member of the Subcommittee on Aviation.

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

I was fascinated earlier when one of the Members said, and I quote, "Spreading the pain around requires that we keep the trust fund on budget."

Let me suggest, first of all, to all of the Members that when the Members leave here this afternoon, and you encounter the first pain of the delays, the confusion getting home, the absence of the computers due to breakdowns at National, as you leave but do not leave, and you sit for an hour waiting for the computer to go back up, that the pain will have been spread.

Do we really seriously want to make a fiscal bookkeeping argument that in order to spread fiscal pain, we are going to run safety risks, maximize delays, avoid buying new computers, minimize new radars and not do the things necessary for safety, necessary for a well-developed air transport system?

Is the kind of pain you want to spread the next airplane crash, the next 100,000 people who are trapped? I do not think so, and I think it is irrational to suggest that in order to have good bookkeeping over here, we are not going to spend money over here that was gathered for only one purpose.

The gentleman from the Committee on Appropriations want to have it both ways. On the one hand, they will say to the Members, we are spending every dime we can spend on aviation; on the other hand, but by the way, if we take this off budget, there are a lot of other things over here we are going to have to start cutting. They cannot have it both ways.

The truth is, and if the Members listen to the Committee on Appropriations carefully, they will fess up, and they have not been spending all of the trust fund they could have spent for a safe and well-developed infrastructure, because they have been trying to meet budget requirements by avoiding expenditures which they then use to lower the paper deficit.

Just yesterday in an absolutely mindless bookkeeping fight between the Committee on the Budget of the House and the Budget Committee of the other body, it was decided that the other body cannot count \$240 million as income they had thought they could count.

Just yesterday we were informed that aviation spending by the Senate appropriations will be lower than anticipated because of the overall budget.

I think the choice is simple. If the Members want to continue the delays, vote no. If the Members want to run the safety risks, vote no.

If the Members want to take tax money away for the purpose of a trust fund but not use it for that purpose, and instead over here use it to cover up the deficit, vote no; but if the Members want to spend the money honestly for the purpose for which it was raised, if the Members want to buy the new computers, new radars, and build the new airports, then the Members have to vote yes, because this is the key decisive vote.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

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

All I can say in response to the last speech is malarkey.

Yes, air service is a mess. Some people suggest that the way to deal with that mess is to take the FAA off budget. Why? Because, it is a trust fund.

That argument would be valid if the trust fund paid for all of the costs of air service in this country, but it does not.

The fact is that 40 percent of the cost of air service in this country, 40 percent of the FAA budget, is not paid for out of that trust fund.

It is paid for by the general taxpayer out of general fund revenues, so I have a suggestion to people who are in support of the Howard amendment.

If you really want to level with the taxpayer, do not support the Howard amendment. If you really want to level with the taxpayer, bring in an amendment to require that all of the costs of FAA be paid for out of that trust fund. Then your amendment is an honest one. Then your amendment is correct on policy, and then I will vote for it, but not until, because unless you do that, you are peddling a half-truth on this floor, and a half-truth to the taxpayer, and unless you do that, what you are really doing is setting a lousy budget precedent, because you are giving an excuse to other Members to come onto this floor and say, take off from out of Gramm-Rudman AIDS, take off from out of Gramm-Rudman whatever is your pleasure.

The Members cannot vote for Gramm-Rudman one week and then pass this amendment the next without walking both sides of the street.

If the Members want to correct air service, I would suggest to the Members that it is a dumb way to do it, to pass this amendment, because what the Members are doing is then requiring further cuts in the general fund which pays for air traffic controllers, and which pays for air safety inspectors. That is not safety, that is stupid.

Mr. HOWARD. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. INHOFE].

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

I want to bring two perspectives to this debate. One is characteristic perhaps of the perspective that I have, and other Members have not had who have spoken, being a commercial pilot, and a pilot for well over 30 years, and also being a freshman.

Insofar as being a pilot is concerned, I recognize firsthand peddling around up there in those obscure clouds, that we are now operating with over 200 million more people that are now flying since deregulation in 1978 with fewer controllers.

I have been up there in this general area talking to a controller, having him handle me between the airplanes with some 20 and 25 other planes that one individual is handling.

These are very qualified, competent individuals; but they cannot handle a system where they are supposed to double the number of people they are handling and yet with fewer controllers.

Their dedication can only go so far.

Second, the fact that that money is coming from those individuals who are paying for that expanded airspace makes it immoral not to spend it, and to spend it as soon as possible.

Third, being a freshman, I know whatever we have been doing has not worked. Let us try something else.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

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

I rise in opposition to this amendment. First of all, let me say that there has been a discussion on one side that one side is for air traffic safety, and that the other side is not, and the opposite argument has been made. That is not true obviously.

The proponents of this amendment are for air traffic safety, and the opponents of this amendment are for air traffic safety. However, those Members who have spoken to the fiscal planning of this institution and how we ought to manage the money, and what in fact in terms of a macroeconomic impact on the budget and expenditures on the deficit, and the reason presumably that OMB and others in the administration are opposed to this amendment are valid, in my opinion, so it is not a question of traffic safety or commitment of this body or individual Members to safety.

It is how we ought to plan our expenditures. It is what pressures we will place on alternative expenditures if this amendment passes; and for those reasons, I would hope that we would defeat this amendment.

Mr. HOWARD. Mr. Chairman, I yield 3 minutes to the gentleman from

got is a fight going here between committees of Congress over jurisdiction.

Second, you have got some good pork in the bill and that makes a lot of folks take sides, based on what goodies they are going to get.

The real issue here is whether or not you believe that the trust fund ought to be on- or off-budget. It has nothing to do with safety.

I would simply urge you all to recognize what the issue is. Take it off. I will just have to find \$1.5 billion somewhere else to reduce in order to meet the goal.

Mr. DERRICK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE] for purposes of debate only.

Mr. CONTE. Mr. Chairman, I rise in strong opposition to this amendment that would take the aviation trust fund off budget and have the effect of exempting certain aviation programs from any possible Gramm-Rudman-Hollings sequester. This amendment will not achieve its advertised purpose, and it would actually damage the safe operation of our air traffic control system.

Mr. Chairman, if anyone voted against the rule on this bill yesterday because they thought this amendment has anything to do with air safety or airline delays and service, they were seriously mistaken. This amendment is not about air safety—it is about special interests, plain and simple. It would take one single group of programs and give them a special priority above every other Federal program except Social Security.

By taking these aviation programs off budget, and exempting them from the kind of across-the-board cuts that Gramm-Rudman-Hollings may eventually require, we are not only penalizing every other Federal program, but most significantly penalizing the general revenue funds used for the actual operation of the air traffic control system. This amendment puts at risk the salaries of controllers, safety inspectors, and other safety-related personnel who may have to be laid off under this Howard amendment.

We are all concerned about the delays in purchasing critical safety equipment for the air traffic control system. But the problems there are technical—according to the General Accounting Office, the radars and computers just are not ready yet. In fact, over \$1 billion in previously appropriated funds are currently sitting in the trust fund because the equipment is not ready. As I said, the problem is technological, not monetary. And this amendment will not get a nickel spent any faster.

We all agree that the trust fund should be spent for its intended purpose, and in fact it is. But the problem of the accumulated trust fund surplus will not be solved by this Howard

amendment. The solution is already in this bill—the trigger in the title reported from the Ways and Means Committee. If the surplus builds up, the tax will be reduced. That is the way to address this problem, not through some accounting gimmick in the Howard amendment.

Mr. Chairman, I do not see how my colleagues can go back home and tell their constituents that they have preserved the aviation trust fund at the expense of national defense, Coast Guard, education, health care, job training, law enforcement, drug interdiction, and even highway safety. How can they go back and explain that this amendment, which will not even improve air safety, is more important than elderly housing, veterans' pensions, and the cleanup of toxic wastes?

Mr. Chairman, as I said yesterday, if this amendment is adopted the President's advisers will recommend a veto of this measure. Given the controversy on this issue, I doubt that the votes are there to override such a veto.

Mr. Chairman, the critical programs in this measure expired at midnight last night. Let's not delay them further. Let's not get bogged down in a fight with the President.

Let's defeat the Howard amendment, adopt the bill, and get on with the improvement of our Nation's airports and airway system.

Mr. Chairman, do I look suicidal? Does anybody on the Appropriations Committee look suicidal? That is what the gentleman from New Jersey [Mr. HOWARD] is implying by saying that we do not want to spend the money in the trust fund. Of course we want to spend the money. We are for air safety, too.

Mr. Chairman, as I said yesterday, the gentleman from New Jersey [Mr. HOWARD] is a great friend of mine. But this is simply a power grab by the Public Works Committee. Defeat the Howard amendment.

Mr. Chairman, I include the following letter from James C. Miller, Director of the Office of Management and Budget:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 28, 1987.

Hon. SILVIO O. CONTE,
House of Representatives, Washington, DC.

DEAR SIL: I must advise you in your position as ranking minority member of the Appropriations Committee of the Administration's strong opposition to removing the Airport and Airway Trust Fund from budget totals and statutory budget limitations. Should such legislation be presented to the President, the President's senior advisors would recommend that he veto the bill.

User fee financing of the trust fund does not justify off-budget status. Congress and the President have an obligation to account to the public for the economic consequences of all Government receipts and spending, regardless of their source. Comprehensive budget coverage openly shows the public precisely how much the Government is spending, collecting, and borrowing. It also

helps the Executive and Legislative branches make informed choices regarding public spending.

Removing the aviation trust fund from the unified budget would be unlikely to accomplish significant gains for aviation interests. The unobligated balance in the fund has not accumulated because of a desire to hold back funding for aviation. Rather, the unobligated balance in the trust fund is the consequence of congressional "penalty provisions" in the Airport and Airways Improvement Act of 1982. These provisions have resulted in \$3.2 billion of Federal Aviation Administration (FAA) Operations costs being spent out of general fund revenues, rather than from the trust fund as authorized. The way to reduce the trust fund balance is to eliminate the penalty provisions, not to take the trust fund off-budget.

Further, the Federal deficit is not reduced by the cash balances in the trust fund at the end of the year. The deficit is simply the difference between total spending and receipts in that year, excluding intergovernmental transactions. In fact, Federal outlays for aviation actually contributed to the deficit in the 1982-1987 period, because outlays for aviation programs are projected to exceed user fee receipts by \$10.3 billion.

Continued budgetary control of the trust fund is critical to sound fiscal management. If the fund were specifically exempted from Gramm-Rudman-Hollings requirements and the Congressional Budget Act, trust fund authorizations and appropriations would be enacted without regard for budget resolution or deficit reduction targets. For this to occur, the remaining domestic programs, including that portion of aviation and other transportation programs funded out of the general fund, would be required to bear additional reductions. Not only would this create pressure for more programs to be granted exemptions, but it could cause serious problems in meeting transportation priorities, such as maintaining a fully operational and safe air traffic control system, since Congress has insisted on funding most FAA Operations from the general fund.

In summary, the Administration strongly supports a complete, unified budget subject to statutory budget controls. Given that programs should be user-financed wherever appropriate, self-financed programs are growing in number. They do not deserve special treatment, but, instead, should be included in the overall budget, since only a comprehensive, unified budget defines the entire scope of Government activity and spending, assures effective use of all public resources, and contributes to a single national economic policy.

Priority spending needs can be met without taking the trust fund off-budget. The President proposed a 20 percent increase—\$1 billion—in FAA's budget from 1987 to 1988. These critical spending needs can be met without abandoning budgetary discipline if Congress acts responsibly.

The Administration strongly objects to moving the aviation trust fund off-budget and urges the Congress not to enact any legislation that would do so. If such legislation were passed, the President's senior advisors would recommend that he veto the bill.

Sincerely yours,

JAMES C. MILLER III,
Director.

PARLIAMENTARY INQUIRY

Mr. HOWARD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Mr. Chairman, if the gentleman was stating something about suicide and the Appropriations Committee, that was not in the amendment offered to be voted on, I believe, is that correct?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. HOWARD. Mr. Chairman, I yield 4 minutes to a member of our committee, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, make no mistake about it, the crucial vote is here right now on whether you want to improve the aviation mess facing our country, and indeed it is a mess. There were 417,644 delays last year, not counting mechanical delays; over 1,000 delays, 1,000 flights delayed every day in the skies above our country.

Near misses have increased by 70 percent, 834 near misses last year, more than 2 near misses in the skies above our country every day out of the year.

Complaints: complaints from your constituents have increased by 300 percent.

Now, when your constituents ask you, "Congressman, what are you doing about the mess in aviation?" If you are satisfied with the status quo, if you are satisfied with these delays and the way things are going along, then I suppose you can feel comfortable in saying, "Well, nothing. Things are going to get better. We are proceeding down the same path."

But if you are like many of us and if you feel we have got to do something to improve the situation, now you have that opportunity today to vote for this amendment to free the aviation trust fund for all the reasons which have already been given here, to free the aviation trust fund so you can tell your constituents, "I voted to free up that money so we can address the terrible problems facing us in aviation today."

Two years ago, Mr. Chairman, in August of 1985, a Delta plane crashed in a thunderstorm down at Dallas. One hundred and thirty-three Americans were killed, many of them from Florida where the plane originated. We were told in testimony that that crash, that fatal crash, could have been avoided had Dallas Airport had a doppler radar system.

We asked, "Why didn't they have a doppler radar system?"

And we were told, "Because they didn't have the funds to move the research and development along."

The doppler radar system was not ready; but that is not the worst of it. Get this.

Today, 1987, we are told that the doppler radar system this year is

ready. And do you know, it is still not funded in the appropriations this year. Why is it not funded? Because the money is not there.

The answer is to free the aviation trust fund, to stop playing with American lives in the sky.

Indeed, we had the Science and Technology Committee before us here to say just a few hours ago that the Air Mexico crash out in California might have been avoided had we had the more modern equipment, had we had the funding for research and development.

So let us not turn our backs on the needs. Let us provide this funding. There is a solution and the solution is to send that surplus that is in the aviation trust fund. The solution is to embrace honesty in budgeting so we can provide the modernized equipment, so we can provide the runways and the gates.

Mr. Chairman, I urge support for the Howard amendment.

Mr. ANDERSON. Mr. Chairman, I rise today recognizing this body's important budgetary concerns, but in firm support of the amendment being offered by our esteemed colleague, Mr. HOWARD. The budget deficit is of great concern to all of us. However, to keep the aviation trust fund on budget does not bring us any closer to dealing with this tremendous problem. Rather, keeping the trust fund on budget only puts off the hard decisions we must make concerning the budget by allowing the deficit figure to look better than it really is. This is deceiving to the Congress and to the American people.

We cannot continue to keep these much needed funds away from the public as a concession to Federal bookkeeping. The American people have invested billions of dollars for safety and service. In return they see delays, lost baggage and safety controversy—as well as a trust fund surplus of \$5.6 billion. The FAA needs these funds to give the American people what they have paid for. Quite simply, the use of the aviation system is growing at a far faster rate than Congress has appropriated funds to expand and modernize the system. Past experience has shown that the only way to insure that the people will get what they deserve—the most efficient and safe aviation system possible—is to take this trust fund off budget.

I urge my colleagues to recognize the needs of this country's aviation system, and resist the temptation to use this trust fund as a superficial deficit reduction tool by voting for this most important amendment.

Mr. BORSKI. Mr. Chairman, I favor taking the aviation trust fund off budget.

Since the airport improvement program was last reauthorized in 1982, the aviation trust fund has grown to the point where it has a surplus of over \$5 billion. That is the money left over after spending over a billion dollars a year on airport programs. The fund has taken in much more than it has spent on aviation activities.

We all know that the money in the trust fund cannot be used for any other Government programs. The taxes are collected from

airport users and can only be used for airport programs.

But instead of cutting taxes on airport users, or spending more money on much-needed airport improvements, the administration and the Congress have used the surplus to hide the budget deficit. When you have a \$5 billion surplus in the airport trust fund, it hides \$5 billion worth of deficit somewhere else in the budget. So there is an incentive to run up a big surplus in the trust fund and not spend money on aviation programs, because it masks the deficit.

I favor removing the aviation trust fund from the budget. If the fund is removed from the unified budget, then the Congress and the administration will no longer have this incentive to reduce spending on aviation programs. The trust fund was established to fund airport safety and capacity improvements, and that's what it should be used for. I urge my colleagues to vote for the amendment.

Mr. MCEWEN. Mr. Chairman, I am most pleased to join my colleagues on the Public Works Committee as we finally address the very vital issue of the aviation trust fund and the unified budget process.

As the sponsor of legislation in the 99th and 100th Congresses which would remove the three 100-percent user financed infrastructure trust funds from misleading budget practices, H.R. 372, you may be assured that I am a strong supporter of this amendment.

Allow me to quote, please from the 1985 Off-Budget Report language:

*** inclusion of the Airport and Airway Trust Funds in the general budget process has prevented the Trust Fund from functioning as intended and has led to the users contributing far more in taxes than has been spent for development of the airport and airway systems. If we are to continue to realize the benefits of the Trust Fund, this situation must be changed.

Mr. Chairman, we finally have an opportunity to put our money where our mouth is. Let us make certain we can say, honestly, to the American public that we are truly doing everything within our power to improve and enhance airline safety and airline travel. Let us further tell them, honestly, that we are treating their user fees—paid with the purchase of each and every airline ticket—fairly and in the case of the aviation trust fund, for their intended purpose.

I look forward to the overwhelming support of my colleagues on this important amendment.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of the time.

Mr. Chairman, I have before me a letter dated today, addressed to the minority leader, from the Administrator of the Federal Aviation Administration, in which he says:

Taken together, there are three things that will severely undermine my ability to operate the FAA.

The first one is:

Excluding Trust Fund expenditures from the budget will force future Budget and Appropriations Committees to assign future across-the-board cuts or other fiscal restraints to other domestic programs, includ-

ing air traffic controller salaries and other transportation programs.

Now, that is the Administrator of the FAA speaking.

And aside from that, to really think that we are here talking about taking something else off budget is just mind boggling, because if we do this, what are we going to do when the retirement system comes to you and wants to go off budget at \$24 billion?

What are you going to do when the military retirement comes and wants to go off budget at \$18 billion?

What are you going to do when health insurance at \$76 billion comes; unemployment at \$22 billion; the highway trust fund, the railroad retirement trust fund and the foreign military sales come on? They do not have any more right to be off budget than we do.

Please vote to defeat this amendment for fiscal sanity, if for nothing else.

Mr. HOWARD. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I wish to thank all my colleagues for the debate that we have had this afternoon.

First, in order to clarify a few things that were said recently, we just heard from the gentleman from South Carolina talking about the head of the FAA saying he opposes taking this off budget, using this \$5.6 billion.

Well, we all know for the last 2 months in trying to defend her record as far as aviation and aviation safety is going, the Secretary of Transportation who left office yesterday was going around this country blaming us in the Congress for not releasing that \$5.6 billion so that she could do more for safety.

□ 1600

Now today the FAA says they do not want it to be taken off the budget.

We have one other thing here which was mentioned before, that Mr. Miller, the head of the Office of OMB, has said that if we take this off budget they would recommend a veto. This is the very same Mr. Miller who testified recently before our committee, and the gentleman from Pennsylvania [Mr. CLINGER] referred to it, and said taking this off budget makes no difference this year whatever, within the budget or with the deficit. So I think we can take these two arguments and put them aside.

We have heard some scare tactics here. Somehow or other if this trust fund, that cannot be used for other purposes and is already paid comes off budget, when they get to Gramm-Rudman and when they get to sequestration, that will hurt all kinds of programs, domestic programs that people need. If sequestration, according to CBO, and we asked them what would happen with sequestration, and they said it would be less than one-tenth of

1 percent nondefense programs, exempting many programs, exempting Social Security and the safety net. There are 192 programs exempt from sequestration, and those are the programs for the poor, the programs for women, the programs for children, the health programs.

So it is not true at all that those programs can in any way suffer from sequestration if we take this off budget. All of the money, including the \$5.6 billion, is authorized in this bill before us today, and we still stayed within the budget limitations for transportation. So that is in the authorization. We have no fear that we are going overboard in this at all.

All of this money they are talking about that they say incorrectly could be used for other programs, it would not even be here if it were not collected under law by the users of the aviation system and the people who pay 8 percent of their tickets into the trust fund which we collect only for the purpose of improving aviation.

This vote very simply is going to be a simple vote where we are going to determine whether we are going to have less congestion in our airways, whether we are going to be able to have state of the art air traffic control, whether we can have better weather warning for our passengers, more research on safety, more user funds for air traffic controllers.

Would it not be wonderful if we can do that? Is the money there? Yes, it is there. It has been paid by the users. May it be used for other purposes in the Government? No, it may not.

So we are either going to vote yes for safety and honesty in budgeting and keeping our word with the people, or we are going to vote no and say we are satisfied with what is going on in the air system, we do not mind paying money for one purpose and having it used on paper maybe for some other purpose.

Let us be honest in the budgeting and let us get to the work for which we collected the money: Improving air efficiency and air safety by voting yes on this amendment.

I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. HOWARD].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 202, not voting 35, as follows:

[Roll No. 344]

AYES—197

Alexander	Gilman	Pickett
Anderson	Gingrich	Quillen
Applegate	Glickman	Rahall
Archer	Gordon	Ravenel
Armey	Grant	Ray
Badham	Guarini	Rhodes
Ballenger	Gunderson	Ridge
Barnard	Hall (OH)	Rinaldo
Bartlett	Hall (TX)	Ritter
Barton	Hammerschmidt	Roberts
Bennett	Harris	Robinson
Bentley	Hastert	Rodino
Berman	Hatcher	Roe
Bilbray	Hayes (IL)	Roth
Bliley	Henry	Rowland (CT)
Boehlert	Herger	Rowland (GA)
Bonker	Hertel	Savage
Borski	Hochbrueckner	Saxton
Bosco	Holloway	Schneider
Boxer	Hopkins	Schroeder
Broomfield	Howard	Schuetz
Brown (CA)	Hubbard	Shaw
Brown (CO)	Hughes	Shays
Bunning	Hyde	Shumway
Bustamante	Inhofe	Shuster
Byron	Ireland	Sikorski
Callahan	Jacobs	Sisisky
Campbell	Jeffords	Skaggs
Cardin	Johnson (CT)	Slaughter (NY)
Chandler	Jones (NC)	Slaughter (VA)
Chapman	Jones (TN)	Smith (FL)
Clinger	Jontz	Smith (NJ)
Coats	Kanjorski	Smith, Denny
Coble	Kleczka	(OR)
Coelho	Kolter	Smith, Robert
Coleman (MO)	Kyl	(OR)
Collins	LaFalce	Solomon
Combest	Lagomarsino	Staggers
Courter	Lancaster	Stangeland
Craig	Lantos	Stump
Daniel	Lewis (FL)	Sundquist
Dannemeyer	Lightfoot	Sweeney
Darden	Lipinski	Swindall
Daub	Lloyd	Tallon
Davis (IL)	Lukens, Donald	Tauke
de la Garza	Marlenee	Taylor
DeFazio	Martin (NY)	Torres
DeWine	Mavroules	Torricelli
Dickinson	McCandless	Towns
DioGuardi	McCollum	Trafficant
Donnelly	McCurdy	Upton
Dorgan (ND)	McGrath	Valentine
Dornan (CA)	Miller (WA)	Vander Jagt
Dreier	Mineta	Visclosky
Duncan	Moorhead	Volkmer
Dymally	Morrison (WA)	Vucanovich
Eckart	Murphy	Walgren
Emerson	Nelson	Weldon
Evans	Nowak	Whittaker
Fawell	Oakar	Wise
Feighan	Oberstar	Wortley
Fields	Packard	Wyden
Florio	Pashayan	Wylie
Gallegly	Pelosi	Yatron
Gallo	Pepper	Young (AK)
Gaydos	Perkins	
Gekas	Petri	

NOES—202

Ackerman	Chappell	Edwards (OK)
Akaka	Cheney	English
Andrews	Clarke	Erdreich
Annunzio	Clay	Espy
Anthony	Coleman (TX)	Fascell
Aspin	Conte	Fazio
AuCoin	Cooper	Fish
Baker	Coughlin	Flake
Bates	Coyne	Flippo
Beilenson	Crane	Foglietta
Bereuter	Crockett	Foley
Boggs	Davis (MI)	Ford (MI)
Bonior (MI)	DeLay	Ford (TN)
Boucher	Dellums	Frenzel
Boulter	Derrick	Frost
Brennan	Dicks	Gejdenson
Brooks	Dingell	Gibbons
Bruce	Dixon	Gonzalez
Bryant	Downey	Goodling
Buechner	Durbin	Gradison
Burton	Dwyer	Grandy
Carper	Dyson	Gray (PA)
Carr	Edwards (CA)	Green

Gregg	Mazzoli	Russo
Hamilton	McCloskey	Sabo
Hansen	McDade	Saiki
Hawkins	McMillan (NC)	Sawyer
Hefley	McMillen (MD)	Schaefer
Hefner	Meyers	Scheuer
Hiler	Mfume	Schulze
Horton	Michel	Schumer
Houghton	Miller (CA)	Sensenbrenner
Hoyer	Miller (OH)	Sharp
Huckaby	Moakley	Skeen
Hunter	Mollohan	Skelton
Hutto	Montgomery	Slattery
Jenkins	Moody	Smith (IA)
Johnson (SD)	Morella	Smith (NE)
Kaptur	Morrison (CT)	Smith (TX)
Kasich	Mrazek	Smith, Robert (NH)
Kastenmeier	Murtha	Snowe
Kennedy	Myers	Solarz
Kennelly	Nagle	Spratt
Kildee	Natcher	Stallings
Kolbe	Neal	Stark
Konnyu	Nielson	Stenholm
Kostmayer	Obey	Stokes
Leach (IA)	Olin	Stratton
Leath (TX)	Owens (NY)	Studds
Lehman (CA)	Owens (UT)	Swift
Lehman (FL)	Panetta	Thomas (CA)
Leland	Parris	Thomas (GA)
Lent	Patterson	Traxler
Levin (MI)	Pease	Udall
Levine (CA)	Penny	Vento
Lowery (CA)	Pickle	Walker
Lowry (WA)	Porter	Watkins
Lujan	Price (IL)	Waxman
Luken, Thomas	Price (NC)	Weber
Lungren	Pursell	Wheat
Mack	Rangel	Whitten
MacKay	Regula	Wilson
Madigan	Richardson	Wolf
Manton	Rogers	Wolpe
Markey	Rose	Yates
Martin (IL)	Rostenkowski	Young (FL)
Martinez	Roukema	
Matsui	Roybal	

NOT VOTING—35

Atkins	Gephardt	Molinari
Bateman	Gray (IL)	Nichols
Bevill	Hayes (LA)	Ortiz
Biaggi	Kemp	Oxley
Bilirakis	Latta	Roemer
Boland	Lewis (CA)	Spence
Boner (TN)	Lewis (GA)	St Germain
Conyers	Livingston	Synar
Dowdy	Lott	Tauzin
Early	McEwen	Weiss
Frank	McHugh	Williams
Garcia	Mica	

□ 1615

The Clerk announced the following pairs:

On this vote:

Mr. Gray of Illinois for, with Mr. Weiss against.

Mr. Lewis of Georgia for, with Mr. Mica against.

Mr. Bilirakis for, with Mr. Lewis of California against.

Mr. McEwen for, with Mr. Oxley against.

Mr. WILSON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, no further amendments are in order.

The question is on the amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose and the Speaker pro tempore [Mr. FOLEY]

having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of Union, reported that that Committee, having had under consideration the bill (H.R. 2310) to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airport and airway improvements, and for other purposes, pursuant to House Resolution 278, 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 any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment 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. WALKER. 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 396, nays 0, not voting 38, as follows:

[Roll No. 345]

YEAS—396

Ackerman	Bruce	DeLay	Frenzel	Luken, Thomas	Russo
Akaka	Bryant	Dellums	Frost	Lungren	Sabo
Alexander	Buechner	Derrick	Gallegly	Mack	Saiki
Anderson	Bunning	DeWine	Gallo	MacKay	Savage
Andrews	Burton	Dickinson	Gaydos	Madigan	Sawyer
Annunzio	Bustamante	Dicks	Gejdenson	Manton	Saxton
Anthony	Byron	Dingell	Gekas	Markey	Schaefer
Applegate	Callahan	DioGuardi	Gibbons	Marlenee	Scheuer
Archer	Callahan	Dixon	Gilman	Martin (IL)	Schneider
Armey	Campbell	Donnelly	Gingrich	Martin (NY)	Schroeder
Aspin	Cardin	Dorgan (ND)	Glickman	Martinez	Schuetz
AuCoin	Carper	Dornan (CA)	Gonzalez	Matsui	Schulze
Badham	Carr	Downey	Goodling	Mavroules	Schumer
Baker	Chandler	Dreier	Gordon	Mazzoli	Sensenbrenner
Ballenger	Chapman	Duncan	Gradison	McCandless	Sharp
Barnard	Chappell	Durbin	Grandy	McCloskey	Shaw
Bartlett	Cheney	Dwyer	Grant	McCollum	Shays
Barton	Clarke	Dymally	Gray (PA)	McCurdy	Shumway
Bateman	Clay	Dyson	Green	McDade	Shuster
Bates	Clinger	Eckart	Gregg	McGrath	Sikorski
Bates	Coats	Edwards (CA)	Guarini	McMillan (NC)	Sisisky
Beilenson	Coble	Edwards (OK)	Gunderson	McMillen (MD)	Skaggs
Bennett	Coelho	Emerson	Hall (OH)	Meyers	Skeen
Bentley	Coleman (MO)	English	Hall (TX)	Mfume	Skelton
Bereuter	Coleman (TX)	Erdreich	Hamilton	Michel	Slattery
Berman	Collins	Espy	Hammerschmidt	Miller (CA)	Slaughter (NY)
Bilbray	Combest	Evans	Hansen	Miller (OH)	Slaughter (VA)
Bliley	Conte	Fascell	Harris	Miller (WA)	Smith (IA)
Boehlert	Coughlin	Fawell	Hastert	Mineta	Smith (NE)
Boggs	Courter	Fazio	Hatcher	Moakley	Smith (NJ)
Bonker	Coyne	Feighan	Hawkins	Mollohan	Smith (TX)
Borski	Craig	Fields	Hayes (IL)	Montgomery	Smith, Denny (OR)
Bosco	Crane	Fish	Hefley	Moorehead	Smith, Robert (NH)
Boucher	Crockett	Flake	Hefner	Morella	Smith, Robert (OR)
Boulter	Dannemeyer	Flippo	Henry	Morrison (CT)	Smith, Robert (OR)
Boxer	Darden	Florio	Hertel	Morrison (WA)	Snowe
Brennan	Daub	Foglietta	Hiler	Mrazek	Solarz
Brooks	Davis (IL)	Foley	Hochbrueckner	Murphy	Solomon
Broomfield	Davis (MI)	Ford (MI)	Holloway	Murtha	Spratt
Brown (CA)	de la Garza	Ford (TN)	Hopkins	Myers	Staggers
Brown (CO)	DeFazio		Horton	Nagle	Stallings
			Houghton	Natcher	Stangeland
			Howard	Neal	Stark
			Hoyer	Nelson	Stenholm
			Hubbard	Nielson	Stokes
			Huckaby	Nowak	Stratton
			Hughes	Oaker	Studds
			Hunter	Oberstar	Stump
			Hutto	Obey	Sundquist
			Hyde	Olin	Sweeney
			Inhofe	Owens (NY)	Swift
			Ireland	Owens (UT)	Swindall
			Jacobs	Packard	Tallon
			Jeffords	Panetta	Tauke
			Jenkins	Parris	Taylor
			Johnson (CT)	Pashayan	Thomas (CA)
			Johnson (SD)	Patterson	Thomas (GA)
			Jones (NC)	Pease	Torres
			Jones (TN)	Pelosi	Torricelli
			Jontz	Penny	Towns
			Kanjorski	Pepper	Traficant
			Kaptur	Perkins	Traxler
			Kasich	Petri	Udall
			Kastenmeier	Pickett	Upton
			Kennedy	Pickle	Valentine
			Kennelly	Porter	Vander Jagt
			Kildee	Price (IL)	Vento
			Kleczka	Price (NC)	Visclosky
			Kolbe	Pursell	Volkmer
			Kolter	Quillen	Vucanovich
			Konnyu	Rahall	Walgren
			Kostmayer	Rangel	Walker
			Kyl	Ravenel	Watkins
			LaFalce	Ray	Waxman
			Lagomarsino	Regula	Weber
			Lancaster	Rhodes	Weldon
			Lantos	Richardson	Wheat
			Leach (IA)	Ridge	Whittaker
			Leath (TX)	Rinaldo	Whitten
			Lehman (CA)	Ritter	Williams
			Lehman (FL)	Roberts	Wilson
			Leland	Robinson	Wise
			Lent	Rodino	Wolf
			Levin (MI)	Roe	Wolpe
			Levine (CA)	Rogers	Wortley
			Lewis (FL)	Rose	Wyden
			Lightfoot	Rostenkowski	Wylie
			Lipinski	Roth	Yates
			Lloyd	Roukema	Yatron
			Lowery (CA)	Rowland (CT)	Young (AK)
			Lowry (WA)	Rowland (GA)	Young (FL)
			Lujan	Roybal	