

□ 1216

Ms. WATERS and Ms. LEE changed their vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2510

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2510.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO ADJOURN

Mr. BERRY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Arkansas (Mr. BERRY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 76, noes 328, not voting 30, as follows:

[Roll No. 584]

AYES—76

Ackerman	Hinojosa	Millender-
Alexander	Holt	McDonald
Allen	Honda	Miller, George
Baldwin	Hoyer	Nadler
Bell	Jackson (IL)	Neal (MA)
Berkley	Jefferson	Oberstar
Berry	Johnson, E. B.	Pallone
Brown, Corrine	Kaptur	Pascrell
Capuano	Kennedy (RI)	Payne
Carson (IN)	Kilpatrick	Pelosi
Carson (OK)	Klecza	Pomeroy
Clay	Lampson	Rodriguez
Conyers	Langevin	Ruppersberger
Cummings	Lantos	Sanchez, Loretta
Davis (IL)	Larsen (WA)	Sanders
DeFazio	Larson (CT)	Sandlin
DeLauro	Lewis (GA)	Slaughter
Dingell	Lipinski	Snyder
Doggett	Lowe	Solis
Evans	Maloney	Thompson (MS)
Filner	Markey	Towns
Frank (MA)	McGovern	Udall (CO)
Grijalva	McIntyre	Velazquez
Hastings (FL)	Meek (FL)	Waters
Hill	Meeks (NY)	Woolsey
Hinche	Menendez	

NOES—328

Abercrombie	Bilirakis	Brady (PA)
Aderholt	Bishop (GA)	Brady (TX)
Andrews	Bishop (NY)	Brown (OH)
Baca	Bishop (UT)	Brown (SC)
Bachus	Blackburn	Brown-Waite,
Baird	Blumenauer	Ginny
Baker	Blunt	Burgess
Ballance	Boehlert	Burns
Barrett (SC)	Boehner	Burr
Barton (TX)	Bonilla	Burton (IN)
Bass	Bonner	Buyer
Beauprez	Bono	Calvert
Becerra	Boozman	Camp
Bereuter	Boswell	Cannon
Berman	Boucher	Cantor
Biggart	Boyd	Capito

Capps	Hulshof	Price (NC)
Cardin	Hyde	Putnam
Cardoza	Insee	Quinn
Carter	Israel	Radanovich
Castle	Issa	Rahall
Chabot	Istook	Ramstad
Chocola	Jackson-Lee	Rangel
Clyburn	(TX)	Regula
Coble	Janklow	Rehberg
Cole	Jenkins	Renzi
Collins	John	Reyes
Cooper	Johnson (CT)	Reynolds
Costello	Johnson (IL)	Rogers (AL)
Cox	Johnson, Sam	Rogers (KY)
Cramer	Jones (NC)	Rogers (MI)
Crenshaw	Jones (OH)	Rohrabacher
Crowley	Kanjorski	Ros-Lehtinen
Cubin	Keller	Ross
Culberson	Kelly	Rothman
Cunningham	Kennedy (MN)	Roybal-Allard
Davis (AL)	Kildee	Royce
Davis (CA)	Kind	Rush
Davis (FL)	King (IA)	Ryan (OH)
Davis (TN)	King (NY)	Ryan (WI)
Davis, Jo Ann	Kingston	Ryun (KS)
Davis, Tom	Kirk	Saxton
Deal (GA)	Kline	Schiff
DeGette	Knollenberg	Schrock
Delahunt	Kolbe	Scott (GA)
DeMint	Kucinich	Scott (VA)
Deutsch	LaHood	Sensenbrenner
Diaz-Balart, L.	Latham	Serrano
Diaz-Balart, M.	LaTourrette	Sessions
Dicks	Leach	Shadeegg
Dooley (CA)	Lee	Shaw
Doolittle	Levin	Shays
Doyle	Lewis (CA)	Sherman
Dreier	Lewis (KY)	Sherwood
Duncan	Linder	Shimkus
Dunn	LoBiondo	Shuster
Edwards	Lofgren	Simmons
Ehlers	Lucas (KY)	Simpson
Emanuel	Lucas (OK)	Skelton
Emerson	Lynch	Smith (MI)
Engel	Majette	Smith (NJ)
English	Matheson	Smith (TX)
Eshoo	Matsui	Smith (WA)
Etheridge	McCarthy (MO)	Souder
Everett	McCarthy (NY)	Spratt
Farr	McCollum	Stark
Fattah	McCrery	Stearns
Feeeny	McHugh	Stenholm
Ferguson	McInnis	Strickland
Flake	McKeon	Sullivan
Forbes	McNulty	Sweeney
Ford	Meehan	Tancredo
Fossella	Mica	Tanner
Franks (AZ)	Michaud	Tauscher
Frelinghuysen	Miller (FL)	Tauzin
Frost	Miller (MI)	Taylor (MS)
Gallegly	Miller, Gary	Taylor (NC)
Garrett (NJ)	Mollohan	Terry
Gerlach	Moore	Thomas
Gibbons	Moran (KS)	Thompson (CA)
Gilchrest	Murphy	Thornberry
Gillmor	Murtha	Tiahrt
Gingrey	Musgrave	Tiberi
Gonzalez	Myrick	Toomey
Goode	Napolitano	Turner (OH)
Goodlatte	Nethercutt	Turner (TX)
Gordon	Neugebauer	Udall (NM)
Goss	Ney	Upton
Granger	Northup	Van Hollen
Graves	Norwood	Visclosky
Green (TX)	Nunes	Vitter
Green (WI)	Nussle	Walden (OR)
Greenwood	Obey	Walsh
Gutknecht	Olver	Wamp
Hall	Ortiz	Watson
Harman	Osborne	Watt
Hart	Ose	Waxman
Hastings (WA)	Otter	Weiner
Hayes	Oxley	Weldon (FL)
Hayworth	Pastor	Weldon (PA)
Hefley	Paul	Weller
Hensarling	Pence	Wexler
Herger	Peterson (MN)	Wicker
Hobson	Peterson (PA)	Wilson (NM)
Hoefel	Petri	Wilson (SC)
Holmes	Pitts	Wolf
Holden	Platts	Wu
Hooley (OR)	Pombo	Wynn
Hostettler	Porter	Young (AK)
Houghton	Portman	Young (FL)

NOT VOTING—30

Akin	Bradley (NH)	DeLay
Ballenger	Case	Fletcher
Bartlett (MD)	Crane	Foley

Gephardt	McDermott	Sanchez, Linda
Gutierrez	Miller (NC)	T.
Harris	Moran (VA)	Schakowsky
Hunter	Owens	Stupak
Isakson	Pearce	Tierney
Manzullo	Pickering	Whitfield
Marshall	Pryce (OH)	
McCotter	Sabo	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1234

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

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

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 422 is a rule providing for consideration of the conference report accompanying H.R. 2115, the Vision 100—Century of Aviation Reauthorization Act.

Mr. Speaker, I would briefly remind this Congress of the essential authorizations provided through this bill. First and foremost, the legislation reauthorizes the FAA for 4 years and \$3.4 billion in fiscal 2004, increasing by \$100 million each year thereafter. The FAA is, of course, primarily responsible for the safety of the Nation's skies through activities ranging from the continued monitoring by air traffic controllers to the development of new airspace technologies.

The district that I am honored to represent contains Miami International Airport, consistently one of

the Nation's busiest, both for international and domestic travel. I am always impressed by the level of public-private cooperation between such organizations as the FAA and Miami International. This cooperation is evident, as well, through many provisions in this legislation, for example, \$500 million for airport security improvements at airports; grants and tax credits for low emissions; compensation to general aviation for losses from security mandates; and war risk insurance to the airlines through March 30, 2008.

This Congress was quick to assist airlines after the tragedy of 9-11, and rightfully so. The economic benefits from the movement of people and goods the airlines provide obviously demanded our attention. However, we must also consider those smaller aircraft which were restricted for months. Accordingly, this Congress will act through the underlying legislation to help general aviation return to financial stability by providing compensation for the hardships on their business. This bill authorizes \$100 million for these general aviators that were greatly affected by increased security restrictions.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for their extraordinary leadership on this important reauthorization, and I urge my colleagues to support this important rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank my friend from Florida for yielding me the customary 30 minutes, and I yield myself 5 minutes.

Mr. Speaker, I rise in strong opposition to this rule, and I urge my colleagues to vote it down. Just when I think I have seen everything, the Republican leadership comes up with a new surprise. We are seeing appropriation bills that no one can amend. We have seen huge multibillion dollar omnibus spending bills being written in secret and shoved through the House. We have seen twisted arms and broken promises. But tomorrow is Halloween and the leadership has come up with a brand-new trick: the invisible conference committee.

As everyone knows, just 2 days ago, the Republican leadership, after nearly 5 weeks of delay, finally brought up a rule to send the seriously flawed FAA conference report back to the conference committee. The House, in a bipartisan way, approved that rule, with the hope that the flaws in this bill could be fixed and we could reauthorize important aviation and safety programs. Instead, the invisible conference committee did not hold a single public meeting, a violation of House rules, and did not give Democratic members any opportunity for input or amendment. In fact, Democratic members of the conference were never even notified that a conference was taking

place, and they were never notified that a new report was ready until after this new conference report was filed.

Now, I do not even know if Republican members of the conference committee met, or if some leadership aide or some lobbyist changed the bill himself on the back of a napkin.

Mr. Speaker, this is outrageous.

When we shared our concerns with the chairman of the Committee on Rules last night, he told us that he understood where we were coming from and that he would talk to his leadership about it. With all due respect, Mr. Speaker, it is not enough to feel our pain. What we are looking for is fairness. Last night, the Committee on Rules Republicans could have stood with Democrats and demanded that the House rules and procedures be respected. They had their chance to make their actions match their rhetoric. But sadly, they chose, once again, to follow their leaders, rather than follow the rules.

Again, this is not an isolated incident; this is part of a continuing pattern of disregard for the rules of this House, disregard for other points of view, disregard for open debate, disregard for bipartisanship, and disregard for the American people.

As I have said before, I understand that the majority has the responsibility to manage the House and that the Committee on Rules can be a tool in that effort. But under this Republican leadership, the Committee on Rules has become not a tool, but a weapon, a weapon used to smother, stifle, and suppress; a weapon used to cover up bad behavior and undermine the democratic process.

These matters, Mr. Speaker, are not just "inside baseball." They are matters that directly impact the American people. In this case, the conference report for the FAA bill does not just directly contradict the expressed bipartisan will of both the House and the Senate; it also jeopardizes the safety of the people we represent.

The bill still allows for the privatization of air traffic control, despite the fact that both the House and the Senate voted to prohibit privatization. If this provision becomes law, it will begin the dismantling of the air traffic control system as we know it.

We cannot allow our air traffic control system to be farmed out to the lowest bidder. Safety must come first, and we cannot do it on the cheap.

A while back, some Republican Members claimed that they opposed privatization so strongly that they pledged to vote against the conference report. I hope they follow through with that promise today.

And the bill, Mr. Speaker, still changes antiterrorism training for flight crews from mandatory to discretionary. The Homeland Security Act of 2002 directed the Transportation Security Administration to issue security training guidelines for flight crews. Section 603 of the FAA conference re-

port guts this directive in order to give air carriers the authority to establish those training requirements at their discretion. The TSA has developed the training for Federal flight deck officers and the Federal air marshals. It only makes sense that the TSA should be responsible for developing the antiterrorism training for flight attendants so that there is a coordinated response from the entire flight crew in the event of a terrorist attack. To do anything less, Mr. Speaker, is to place special interests above passenger safety, and that is absolutely unacceptable.

Mr. Speaker, this is not the way the people's House is supposed to run. What has happened with this conference report is an outrage and an insult, not only to Members of both parties, but to the people we represent. I strongly urge my colleagues to defeat the previous question and defeat the rule.

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

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

I certainly have not seen it all, but I am learning a lot this morning, hearing the debate. Approximately 150 towers were privatized during the Clinton years. This legislation does not mandate any privatization of towers, and yet trying to reconcile with this reality and these facts, what I am hearing.

Mr. Speaker, at this time, in order to elicit some information and some facts about what the legislation is doing, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation.

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

Mr. YOUNG of Alaska. Mr. Speaker, again, I would like to thank the gentleman from Florida (Mr. MICA) for carrying this load. I had to come to this floor because there has been a lot of misunderstanding about this legislation.

All the way through this legislation the gentleman from Minnesota (Mr. OBERSTAR) and his staffer, Stacy, were involved in this legislation as it passed from the committee and to this House floor. I was charged as chairman of the committee to meet with the Senate, and it is a two-way street, and the Senate and the House did meet.

By the way, in this bill, for the other side, the Democrat side, the provision included a special rule to maintain the minimum AIP entitlement at small airports that had lost passengers. That was the gentleman from Massachusetts' (Mr. MCGOVERN) piece of legislation. It included a sense of Congress on fifth freedom and seventh freedom flights. That was the gentleman from Illinois (Mr. LIPINSKI). Increase the Metropolitan Planning Organization, MPO, participation in airport planning

process; that was the gentleman from Oregon (Mr. BLUMENAUER). A requirement to provide additional information to families affected by aircraft accidents, that was from the gentleman from New York (Mr. WEINER). Restrictions on flights to Teterboro Airport, that was the gentleman from New Jersey (Mr. ROTHMAN). Flight attendant certification; deadline of issuance of stage 4 noise reduction rule; curriculum standards for maintenance technicians; provision on foreign repair station security. All of these came from the other side, and they are in the bill.

The conference did meet at the request of the Senate side and, at that time, the Democrats offered an amendment to prohibit the FAA from contracting out any more air traffic control towers and it lost.

□ 1245

And it lost. And I have to remind everybody in our bill I protected 95 percent of the control towers. Sixty-nine could have been contracted out; sixty-nine. Under of the Clinton administration 194 were contracted out. And no one said a word, privatized and no one said a word. I protected 95 percent of it. But because of the misinformation, the cry of anguish, now we went back to the old law, existing law, the way it existed for the last 10 years. And that is the law we had that was stripped out of this provision.

And, very frankly, I was disappointed that there was nobody signing the conference report from the other side. We tried to finalize it before it expired, this act itself, and now we are on the floor today. And I ask my colleagues, the good in this bill far outweighs what is said bad about it. It allows our airports to function. It improves our airports, and it improves safety all the way through this legislation.

I know there has been a lot of disinformation, and, unfortunately, I cannot control everything that happens in this House. I wish I could. I would like to be given about 20 minutes as a dictator, I would straighten everything out. But that will not happen. This is a democracy.

But this, overall, is a good piece of legislation. Yes, I even arrived at a solution with the delegation from D.C. and Virginia on the slots, an agreement we made. So there are not that many slots requested from the Senate. And I prevailed on the House side.

So I hope with the information that is given us in the debate on the rule, and the debate itself, you understand that this bill is, overall, a good piece of legislation with the bodies on both sides of the aisle having to work together to arrive at a solution.

Now, we can demagog this more and more; we can rattle on about it more and more. But in reality, the legislation before you today should become law, and I hope it will be passed on.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New

Jersey (Mr. PASCARELL), a member of the committee.

PARLIAMENTARY INQUIRY

Mr. PASCARELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman will state his parliamentary inquiry.

Mr. PASCARELL. Mr. Speaker, has there been a violation of the House rules, the rules of this House and the integrity of this House in convening the conference on the FAA bill? That is my inquiry.

The SPEAKER pro tempore. Under the precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

Mr. PASCARELL. Mr. Speaker, has that been the case with this bill?

The SPEAKER pro tempore. The pending resolution proposes to waive all points of order against the conference report. Members may debate the necessity or advisability of doing so.

Mr. PASCARELL. Mr. Speaker, so in other words, the Committee on Rules made their statement, therefore, that is the answer to the question, really. Correct, Mr. Speaker?

The SPEAKER pro tempore. The Chair will just reiterate what was just stated.

Mr. PASCARELL. Mr. Speaker, let me say this: That on 9/11, this public system that we have in the United States was able to land 700 planes in a very short period of time. They cleared the air in 2 hours. And as the ranking member of this committee has stated most eloquently, if the control of the national air space and the safety of the traveling public is not a governmental function, one has to question what is. And I think that sums it up in a nutshell.

We have had a failure of privatized baggage screening in this country, and that is why we moved into the public sector. And while those on the opposition would say that this does not, this does not advocate privatization, we know what the agenda is down the street, a part-timing of the workforce in this country, no question about it, and trying to do everything we can to undermine organized labor. My colleagues know it and I know it, regardless of where one stands on this legislation.

If one says this has nothing to do with this legislation, then what are we debating for? Why did this House vote 418 to 8, which is a pretty startling number, 418 to 8, the Committee on Transportation and Infrastructure voted, they made their decision very clear. And it is an absolute abomination that we have taken that vote and tried to strain it, cleanse it, to do everything we possibly could to it, to bring back to this floor legislation that could have had bipartisan support, that did have bipartisan support, in order to divide this Chamber. Division, division, division. Because you have in sight

your objective, and your objective is to part-time the workforce in America. You have not gone far enough. And you are afraid to talk head-on to it.

This is not the end of it. There is going to be more than adjournments, it is going to be more than debates. It is a central issue in American politics today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation.

(Mr. MICA asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MICA. Mr. Speaker, I am pleased to respond to some of the points that have been raised on this particular rule. Having participated in the development of this legislation on this conference report, I am familiar with some of the details that I think we should, again, separate fact from fiction.

First of all, the conference did meet. I have a copy of the transcript of the conference. Let me say, first of all, in the development of the bill, I have heard comments about this not being a bipartisan effort. I can say that I have been in the Congress for 11 years. And I was in the minority, and I saw how things operated in an oppressed fashion, being part of the minority I said that would never happen when I was given the opportunity to be in a leadership position.

So I conducted more hearings on the reauthorization of AIR-21, FAA reauthorization, than we did on AIR-21's original hearings. And I have a list of all of the hearings that we conducted. I went into the home district of the ranking member and conducted a hearing. I can tell you with every single issue in this piece of legislation, the minority was consulted.

The chairman of the committee, the gentleman from Alaska (Mr. YOUNG), just got up and told you that much of this legislation, in fact, is the work product of the minority. Opportunities I could not have dreamed of when I was in the minority.

So to say that somehow this has been unfairly conducted, or some opportunity not given, is not correct. It is not factual.

Then we get to the point of the conference. A conference was held and the major issue, there has only been one point of contention on this legislation from the beginning. That is the question of the contract towers. We held a hearing and we had an actual vote on the issue.

Here is the vote. Here is the transcript. Let me read: "Mr. OBERSTAR. Mr. Chairman, if I am recognized for the purpose of a motion, I move to adopt the language I have referenced with respect to the language of air traffic control privatization and the air traffic control tower language." There was a vote and they lost.

We put in the provision 69 towers. It was done in an open meeting. They were given an opportunity for a vote. This is the vote.

Mr. Speaker at this point I will insert this into the RECORD.

Mr. OBERSTAR. Mr. Chairman, if I am recognized for the purpose of a motion, I move to adopt the language I have referenced with respect to the language on air traffic control privatization and the air traffic control tower language.

Mr. YOUNG. On the House side, all in favor, signify by saying aye.

All opposed, signify by saying no.  
The noes have it.

So this was done in fairness.

Now, I do not remember too many conference reports that have been filed and been out there. We filed this the July 24. The conference has been out there. And we would have taken this up the week that we left, but we did not have time on the floor.

And in the meantime, NATCA has spent, I am told, I do not know if this is accurate, but I am told \$6 to \$7 million in a campaign of disinformation to take this provision out. Now, what we have done is we won in an open conference, and now we have recommitted the bill and we have agreed to take out the objectionable provision. So we lost. We gave again to the side to take out the provision, and they still are not happy. They say they are not being treated fairly.

We had a vote, we had an open conference, and we have taken out the issue of contention. All the other issues, every issue, was debated, every issue was discussed in hearings. And I have copies of all the hearings. I would be glad to have them made part of the RECORD.

So, again, the question of unfairness is unfair. Let me say to the gentleman from New Jersey (Mr. PASCRELL) who just spoke, and I have the greatest respect for the gentleman, the planes that landed September 11 that the FAA brought down, half the towers in the country, almost half the towers in the country, 219 are contract towers. They are supervised by the Federal Aviation Administration. They are managed by private contractors. So on September 11, those people performed well.

The issue of the 69 towers, the 69 towers we did not pick out of the vacuum, out of the sky to put in the bill to look at for possible conversion to contract towers. Those FAA towers were examined in the year 2000 by the Inspector General. Not by the CBO, not by some partisan group, but by the Inspector General.

The Inspector General looked at those towers. He compared them in 2000 and found that the all FAA towers had 2.5 times more safety errors than their counterparts, the contract towers. And the cost was substantially more.

This did not satisfy the union, so they asked for another restudy. So we asked for a restudy requested by NATCA. They reviewed it in 2002 and 2003. Here is the report. In the report they said you did not do the right com-

parison. You have to compare the flights, the number of flights, hours of operation. So they did that. And they just completed that. You know what? An even more exact comparison found, that there is five times the error rate in the FAA towers. So they are less safe. And they cost, look at it, the report, an average of 12 of them, \$917,000 more to run.

So, we have taken out the provision that was objectionable to the other side, and they still are not happy. This reminds me of that song, the Hokie Pokie: You put your right foot in. What else can we do?

So we are here today, folks, to stop the Hokie Pokie. This is very serious because our aviation system depends on it. Our improvements of our airports depend on it, and that is in this legislation. The security improvements depend on it, and many of our airports are lacking those security improvements. They are being held up because this bill is not passing.

Essential air service to our small and rural communities, never before have we produced a piece of legislation that will do more to expand air service with an aviation system that now has been under such duress that we have nursed it back. This will do more of the job to create employments and opportunities for all Americans.

So the argument that we have not given a fair opportunity to the other side is bogus. The argument that is trying to be posed here today that we somehow did something in the dark, without consultation, here is the record. This is the record. We have been fair. We have been open. We have even acquiesced to their number one demand and to what the union has spent \$7 million on in an unprecedented campaign of lies and distortion and misinformation, so we can move this legislation forward, so we can help our ailing aviation industry.

□ 1300

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), who is the ranking Democrat on the committee.

Mr. DEFAZIO. Mr. Speaker, that was a wonderful exercise in obfuscation.

The critical thing is that the House voted unanimously to send a failed bill, a bill which had inserted privatization into a system that no one voted to privatize when the bill passed the House and the Senate will taken up and a majority voted to not privatize, and they had a press conference and then they brought the bill back. I was supposedly a member of that conference committee. There was no conference committee. We did not meet. We found out from the press that they had reported back the conference.

The conference in July, which was called in a very hurried way, yes, we actually had one meeting. We were to meet again after we had a series of votes. We are still waiting for that meeting. The point is, suddenly after

both the House and the Senate had voted in the interest of public health and safety and control of the national air space and national security to prohibit the privatization of air traffic control of the United States of America, both bodies had voted overwhelmingly to not privatize. Suddenly a Senator shows up with an amendment to privatize 71 air traffic control towers.

When asked about it, he said, this was a de minimis sort of amendment. The chairman objected, the gentleman from Alaska (Mr. YOUNG), because it included Alaska. So suddenly this great principle of privatizing 71 was dropped down to 69 like that.

Here is what the gentleman from Alaska (Mr. YOUNG) said recently about this: "My hotel room is on the top floor of the Sheridan and the airplanes take right off towards my hotel room. Every morning I look out and there is one coming right at me. It is an interesting experience and I want to make sure everything is done right in that field."

So somehow in Alaska, nowhere near as busy as many of the other airports in question here, it is not safe to privatize, but somehow it is safe to privatize other major facilities. In fact, what the majority has done is they took out these 69 airports and they have opened the door wide because they have stripped the original exclusion of the House and the Senate on privatization from air traffic control from the bill entirely.

So now the President has determined that the air traffic control of this country, the control of our air space, the safety of the traveling public, is not an inherently governmental function. That is what the President has done, reversing an executive order of the previous President. That has opened the door to privatize the entire system or, worse yet, to fragment it up and cherry-pick out some profitable areas to be subcontracted or contracted to Halliburton or others.

That is what this is all about. We have the most productive and safest air traffic control system in the world, bar none. What problem are we fixing? We are fixing the problem that nobody is making money on it. It is run by the government. That is the problem. We should put this on the model of the private security we had at airports before 9/11.

Have we so soon forgotten the firms, Argenbright and others, who hired and maintained on staff known felons to provide screening at airports, paid minimum wage, had a turnover of 140 percent, that would be the model for our air traffic control system? They want to cheapen it, dummy it down. As one of my colleagues said, rent-a-controller.

Maybe we can get temporaries. Maybe we could transmit all the data to India and have the people there do our aircraft spacing. Come on. This is the safest, best run, most efficient system in the world, bar none. What problem are you fixing here? You are not

fixing a problem, unfortunately. You are attempting to open the door for someone to make money and to allow the airplanes, perhaps, to dictate how the system runs.

Maybe we can get those planes closer together. We do not really have to worry about wake turbulence. Maybe we could taxi them a little quicker. We do not really have to worry about collisions on runways. Maybe there are other places we could squeeze the system.

Every one of those things would jeopardize the safety of the American public which I put paramount and this bill does not, and this process is absolutely corrupt.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Florida (Mr. MICA), and I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), and I thank the members of the conference committee, and I particularly thank the chairman.

There were some difficulties following the conference committee meeting when I was there and others were there. There was a conference committee meeting and there was some argument over the 69 towers, and the bill before us today corrects that argument.

Now, what I would like to correct for a second are two facts or two statements that I have just heard.

First of all, this bill is about the safety of the American people and a failure to adopt this conference committee would be turning the back on the safety of the American people. That is number one.

Number two is about if you represent a major airport in this country, an airport that is gone through the trauma of the post 9/11 period, an airport that is now working with the CX 9000 equipment and the other equipment we are mandating. This bill puts into statute the conference committee report, the reimbursements in law that those airports will receive. It removes us from last-minute supplemental appropriations with cries for needs of money from airports and the moving of the shell game.

This conference committee report addresses the rural and smaller airports in this country. This conference committee report is all about safety, notwithstanding what one's policy may have been on the issue that took us to the controversy that caused the bringing back of this conference report and for it to be rewritten.

The fact of the matter is it is obfuscation if someone stands here in this House and says that this bill continues what has been corrected. This bill corrects the deficiency. This bill is an investment in the safety of the American people that fly; and a vote against this rule or against this bill would be a vote against their safety. So I commend the

chairman. I commend the gentleman from Florida (Mr. MICA), and I commend all the Members of this House who care about the safety of the American people, the safety and security of our airports, and the continued great aviation industry we have. I urge Members to vote for the rule and for the final report.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair will notify Members that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 9½ minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 19 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from the District of Columbia (Ms. NORTON), who is a member of the committee.

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

I can identify with the frustration of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) because you really did do your job. You have gotten a good bipartisan bill out of committee, and I know it because up close there were things that both chairmen worked with me on together.

Their bipartisan bill did not have privatization. It is really hard to find out who are the folks that are for privatization because you will not find them in the committee, and you will not find them in the House and the Senate, and that is who I thought we were. This breaks my heart because both chairmen worked so closely with me to get changes in this bill that I wanted and some of them were controversial. An example is the slots, very controversial.

I did not get all I wanted, but instead of the proposed 36, it is down to 20 and we worked together to get that. I worked with the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG) because general aviation here had not been reimbursed and everybody else had been reimbursed. They said we will work with you and they did. There is \$100 million in here for the small airports that were not reimbursed the way the big airlines were.

D.C. was hit especially hard because we are not open yet. They worked with me on that and there is language in there instructing the Department of Homeland Security to develop and implement a plan to open to general aviation, including charters, to the airports so that they can come in.

They worked with them on language to get airplanes here, state-of-the-art airplanes that take more passengers, but they are quieter and more fuel efficient. My only regret in this bill for myself is that the Metropolitan Airport Authority has to come here to ask for grant funds that everybody else gets automatically. Having all of that good stuff and it is full of other good stuff for the entire country in here, the chairman did not want privatization

here. We have privatization messing up the bill and causing a huge controversy in this House.

First, the small airports will be the guinea pigs. The poor 69 airports they have come and screamed to high heaven. Many of us were nervous because we thought after the guinea pigs the rest of us would follow. The problem, I want to say to my good friend, the gentleman from Florida (Mr. MICA), is once the language is bare, it leaves the impression, and I think that most of us have the impression, that anything can be privatized now. It leaves the impression that instead of improving the bill, we have gone from bad to worse.

I know what we went through with security guards. If we believe that security guards are inherently governmental, and that is the language here, we surely have corrupted the concept if air traffic controllers are not governmental. 9/11 changed everything. It is a bright line. We are not willing to risk anything in the air.

We are no longer willing to risk anything in the air. I would defy the other side to stand up when I am through and give me an example of something that is inherently governmental if air traffic controllers are not. After 9/11 we would not leave anything to chance in the air space of our country, and the problem with the private sector is they are in the business of making money. They have got to cut corners if it gets tight. This bill fails the indispensable test of guarding our air space as we promised in the post-9/11 period.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), who is also a member of the Committee on Transportation and Infrastructure.

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

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

Mr. Speaker, this conference report which is the subject of the rule represents only the second time in modern history that a conference report filed by the Committee on Transportation and Infrastructure does not include a single Democrat signature. The first time this happened was the first conference report on this same bill which subsequently had to be recommitted, and this last conference report is no better; and we will be back here again because this bill will simply not pass the Senate.

Now, the House rules governing conference committee requires that at least one conference committee be held and what that means is that all of the conferees, all of the conferees get invited in democracy, my friends, in a democracy which we try to promote throughout the world. We stand here and resolution after resolution promote it throughout the world. We are

in Iraq. We are in Afghanistan, but here in the greatest democracy in the world, Democrats representing 134 million Americans in this country through the 206 members of the Democratic Caucus do not get invited to a conference to have those Americans' views on this important air safety issue.

That is outrageous and it is the corruption of the process and the corruption of the House rules. You are supposed to have a conference committee that brings all to the table. Not only did you corrupt the House rules and the conference, you corrupted the will of the House that voted overwhelmingly in a bipartisan manner on this question of air privatization of air traffic controllers.

The House clearly said we do not want rent-a-controllers. The chairman of the full committee in the first conference report did not want it for Alaska. So if it is not good for Alaska, it is not good for any other State of the Nation. I agree with him and his wisdom.

Also, you corrupt the process when you do not permit the opportunity for our colleagues to participate on behalf of those 134 million Americans. After September 11 we did not privatize screeners; we Federalized them. We federalized them. And on the September 11 day, it was these air traffic controllers that brought to the ground hundreds and hundreds of planes across the country in a very incredibly short period of time in order to ensure the safety of those who were traveling on those planes and the safety of all Americans should those airplanes be used as they were used in New York and in the Pentagon as weapons of mass destruction.

So let us give to air traffic controllers in a privatized function the responsibility for air security as well.

□ 1315

America cannot afford, in terms of the traveling public's safety once they are in the air, to have those airplanes which we have seen can be turned into weapons of mass destruction, ultimately be controlled by some privatized entity.

We need to continue to keep it as it is. It is the safest, most reliable system in the world. I simply do not know why we are trying to undo that, and I certainly do not know what is so terrible about the marketplace of ideas that my colleagues cannot have us in the conference room and the opportunity to make sure that the rest of America knows what they are doing.

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

I sympathize with my good friends on the other side of the aisle. When I arrived in this Congress along with the gentleman from Florida (Mr. MICA) 11 years ago, I was in the minority, and I remember what it was not to have the votes, the majority of the votes to get one's ideas passed and to come into law. So I sympathize when now our col-

leagues on the other side of the aisle do not have the majority of the votes, how they must feel, but I think it is important that some facts now be put on the record, Mr. Speaker.

This legislation before us mandates no privatization of towers. During the years of the Clinton Presidency, approximately 150 such towers were privatized. I do not recall my friends protesting, but this legislation, which obviously they are complaining about today, mandates no such privatization of towers, like we had 150 during the Clinton years.

Despite the fact that we on this side of the aisle have the majority of the votes, it is important to point out that in the writing of the bill and the original conference report, our friends on the other side of the aisle were intimately involved. Many provisions, in fact, were included in the bill at the request of our friends on the other side of the aisle.

For example, a special rule to maintain the minimum AIP entitlement at small airports that have lost passengers, I am told the gentleman from Massachusetts (Mr. MCGOVERN) came forth with that idea.

A sense of Congress on 5th freedom and 7th freedom flights, I believe the distinguished gentleman from Illinois (Mr. LIPINSKI) brought forth that idea.

An increase in the MPO participation in the airport planning process, I believe the gentleman from Oregon (Mr. BLUMENAUER) had that idea.

Requirement to provide additional information to families affected by aircraft accidents, I believe the gentleman from New York (Mr. WEINER) had that idea.

Restriction on flights at Teterboro airport, I believe the gentleman from New Jersey (Mr. ROTHMAN) had that idea.

Flight attendant certification, deadline for issuance of Stage 4 noise reduction rule, curriculum standards for maintenance technicians, provision on foreign repair station security, all of these ideas came from our friends on the other side of the aisle.

So it is important for the facts to be known. There is frustration in being in the minority. I remember my first term here, but let us not negate the facts that in the fairness of the majority, many ideas of the minority were included. So I think that is required. I think that is required by democracy, respect for the minority, and we see in this legislation the fruits of much respect for the minority, but in addition to ideas that were brought forth by the minority, there are many ideas brought forth, I would say many more, by the majority that are very important to the safety of aviation in this country, Mr. Speaker, and that is why we must pass this legislation today.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me the time.

I thank the Speaker and I guess my good friend on the other side of the aisle, a good friend of mine, but if I must answer the question about our frustration, it is because democracy has been hijacked. The simple question is on this FAA reauthorization is why this could not have been sent back to the conference committee.

Right now, without giving further details, we have an incidence on this campus dealing with some potential danger. We are living in a new climate, Mr. Speaker. We are living where Americans are afraid because we suffered through 9/11 and the tragic loss of life. What an outrage to suggest that in this climate, we will begin to privatize air traffic controllers, the most crucial aspect of flight operation, and to my good friend, the 150 privatized that he alleges under the Clinton administration, that is wrong. They were not under FAA authorization, Mr. Speaker. We are grabbing these from FAA authorization.

Let me just say, Mr. Speaker, in concluding, we do not have trained flight attendants. My colleagues have taken out the language about settling the question of 65-year-old pilots.

This is a bad bill. They have hijacked democracy. We should vote no for this, and the other side realizes that it has treated us unfairly. This rule should be voted down.

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

Just to reiterate, we reiterate some facts that I attempted to bring out before. First of all, with regard to the towers privatized, airports privatized, during the Clinton administration, about 100 of them were former FAA staffed towers. I reiterate again, that in the legislation brought forth today, there is mandated no privatization of towers.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I rise on behalf of the largest general aviation airport in this country, Van Nuys airport, and the million people who live in its environs. This bill is designed to selectively privatize air traffic control. That is unsafe, and it is inherently going to be political.

The chairman of the committee said, "my hotel room is on the top floor of the Sheraton, and airplanes take off right towards that room." That is why Alaska was not going to be included in earlier drafts of this bill. The gentleman from Florida (Mr. MICA) announced to the Aviation Daily that he was going to selectively include and exclude airports based upon which political support he needed for the bill. But at least the prior drafts of this bill

represented an open, corrupt, political process for deciding which constituents must live with unsafe conditions, that the chairman of the committee would not subject himself to.

This bill [in its final form] provides us with opaque, political decision-making, with the White House doing everything [which air traffic control towers to privatize] behind closed doors. Vote against the rule, and against the bill.

Mr. MCGOVERN. Mr. Speaker, can I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Massachusetts (Mr. MCGOVERN) has 10 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 6 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR) who is the ranking Democrat on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding the time.

I am somewhat bemused by the quaint reconstruction of history to which we have been treated by the chairman of the subcommittee, reconstruction of what took place in the House-Senate conference that met for 1 day July 24 and has not met since.

The gentleman also said there was only one issue, only one amendment offered. It was a conceptual amendment that I offered to a concept to which we had been treated but for which we did not have paper. And so since we did not have, and contrast every conference I have previously participated in over 24 years, I offered an amendment in concept, and we had a cursory discussion of the subject matter which was to reinstate the Senate language, and that was voted down.

We were notified of votes in the House and in the Senate. The conference adjourned with a reference by the chairman of the conference that we might meet again, if we could somehow get together, but it was urgent and important to get this bill through conference, to the House and Senate floor, so that it could be passed before the August recess. The reason there was only one subject discussed was that is all that we were given time to discuss.

There are at least four major issues. One, the air traffic control privatization which has been said time and again in this Chamber and the House voted clearly to prohibit the privatization of the air traffic control system; the other body did the same. And yet the conference report that appeared the next day, after this very urgent, important meeting that we had to conclude the work of the conference and never met again that night, magically a document appeared, and the item that had been voted on and recorded votes in the House and Senate, just disappeared, vanished.

We never had, in the conference, an opportunity to discuss other issues

such as mandatory training of flight attendants. We never had an opportunity to discuss the cabotage issue in Alaska, and we never had an opportunity to discuss the matter that the gentleman from Pennsylvania (Mr. PETERSON), the day before yesterday, so forcefully brought up on this floor, which was essential air service and requiring small communities to pay for air service, never had that discussion in that conference, and this document appeared full blown from the head of Zeus, magically.

Why we could not have documentation at the conference 24 hours earlier is beyond me, but that did not happen. So then 94 days expired without that urgent bill being brought to the House floor, and then finally the majority decided that either there were not the votes in the Senate or there were not the votes in the House to pass the document as reported from the committee of conference. So they came back to the Committee on Rules. The Committee on Rules brought a bill to the floor. We all voted, recorded vote, unanimous on both sides, urged all Members on our side, vote for it.

This is exactly what we had asked for to go back to conference, and we had a gentlemanly discussion about conference and then it did not happen.

That is unprecedented in our committee, and I think an insult to the Members of the House, and I take it personally. I have served 40 years on the Committee on Transportation and Infrastructure. Never have I seen this happen. Voices were stifled. I see the gentleman from Illinois who presided at the event honoring the previous minority leader with the words, The greatest speaker who never was, Mr. MICA, who said at that ceremony, I never felt in the minority that I was excluded because the rules of the House protect the voice of the minority.

The rules of the House were suppressed, absconded with when they the majority failed to reconvene the conference as the rules of the House require. That is what is wrong.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, as we conclude the debate on this rule, again I urge my colleagues to pass the rule. We have tried to be fair in this process. I have tried to be fair. There is one issue. I mean we can talk about a host of other issues, and in this system of 435 Members, I have over 40 Members on the subcommittee. There are over 70 on the full Committee on Transportation and Infrastructure. We all know that we all do not get all of our ways.

We heard the gentlewoman from the District of Columbia (Ms. NORTON) give a very eloquent reminder of her contributions and our working together. This bill does represent 99.9 percent of us working together to solve issues and move our aviation industry forward.

□ 1330

It does boil down to, unfortunately, this one issue that has divided us. We have acquiesced to the other side. We did put in 69 towers out of the 71 towers identified.

The two from Alaska, and please do not pick on my chairman, the gentleman from Alaska (Mr. YOUNG), he represents an area that is just unbelievable. You have to go see Alaska to believe it. It takes 3½ hours by jet from one end of the State to the other. And the two towers that were named in this report, first of all, the gentleman from Alaska (Mr. YOUNG) has probably more contract towers than any 10 States put together, but the two that were mentioned in this, one is being converted to a capstone, that is the Juneau, Alaska, tower; and the other one, if you go and look at the Anchorage tower, it is quite unique. It has a combination of military, private sector, and FAA operations. So they really do not fit into this program. And that is why that was exempted. But what we have done here is we have taken out all 69.

Now, yes, I offered if anyone wanted to read this report that says that a contract tower which is FAA supervised and privately managed is 4½ times safer, really it has 4½ times less error than an all-FAA tower and it costs less. Heaven forbid in Congress we should deal with saving the taxpayer money and have something that is safer and costs less, like this report identifies. I suggested we give the other side the opportunity, but they do not want to do that. I said I will give that opportunity. If people want to do that, fine.

The conference participants really have decided what the issue was. There is one issue. Here is the record. So it has, in fact, boiled down to that. We have taken out the 69 towers from any potential of privatization. There is no mention of privatization in this bill. We gave them basically what they want, and they are still not happy. So, again, it boils down to a vote. We have to vote on this measure.

Again, the question of the executive order, President Clinton, for 7 years and 9 months practically, had the ability to look at any of these towers. He made some of them private with contract arrangements, and then he changed it. We know why he changed it, a huge amount of money, look at the record, you see what happens in campaigns and elections; and this President changed it back to where it was where President Clinton had it.

And this is the safest system. We have 219 contract towers in the United States. Almost half of the towers in the United States are contract towers, and they are safe. And they also helped in taking down the planes safely on September 11. So do not bash the current system.

That is what we are asking for, plus all the good things that we have

worked together on to make this a better piece of legislation for our country and our American aviation system.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the gentleman has raised several issues. This bill opens the door even wider to privatization. The original House and Senate bills prohibited privatization. This bill does not. The President has determined that air traffic control is not an inherently governmental function. They want to contract it out. They want to make it into private for profit.

And on the so-called operational areas, guess what. They are voluntarily reported. And of the 219 contract towers, only eight of them voluntarily reported an error. To say they had a very low error rate, the GAO determined, the IG determined that this was not a valid study, because we do not have mandatory reporting. We do not know whether there were errors or not. We cannot say they are 4½ times safer.

And to say that we did this because of contributions is outrageous, and I should have had the gentleman's words taken down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

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

RECESS

The SPEAKER pro tempore. Without objection, the House stands in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 1 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 3 p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-338) on the resolution (H. Res. 424) waiving points of order against the conference

report to accompany the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

The SPEAKER pro tempore. The Chair would announce that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining on the rule, and the gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 68, nays 346, not voting 20, as follows:

[Roll No. 585]

YEAS—68

- |                |                |                |
|----------------|----------------|----------------|
| Ackerman       | Frank (MA)     | Meek (FL)      |
| Allen          | Frost          | Meeks (NY)     |
| Baird          | Grijalva       | Miller, George |
| Baldwin        | Hastings (FL)  | Neal (MA)      |
| Ballance       | Hill           | Oberstar       |
| Bell           | Hinchev        | Pallone        |
| Berman         | Hinojosa       | Payne          |
| Berry          | Honda          | Pelosi         |
| Brown, Corrine | Hoyer          | Pomeroy        |
| Capps          | Jefferson      | Rodriguez      |
| Capuano        | Johnson, E. B. | Sandlin        |
| Carson (IN)    | Kennedy (RI)   | Schakowsky     |
| Clyburn        | Klecza         | Scott (VA)     |
| Conyers        | Lampson        | Slaughter      |
| Cummings       | Larsen (WA)    | Solis          |
| Davis (IL)     | Lee            | Thompson (MS)  |
| DeFazio        | Lewis (GA)     | Tierney        |
| DeLauro        | Lowe           | Towns          |
| Deutsch        | Maloney        | Velazquez      |
| Dingell        | Markey         | Waters         |
| Doggett        | McDermott      | Wexler         |
| Evans          | McGovern       | Woolsey        |
| Filner         | McIntyre       |                |

NAYS—346

- |             |               |             |
|-------------|---------------|-------------|
| Abercrombie | Ballenger     | Bereuter    |
| Aderholt    | Barrett (SC)  | Berkley     |
| Alexander   | Bartlett (MD) | Biggert     |
| Andrews     | Barton (TX)   | Bilirakis   |
| Baca        | Bass          | Bishop (GA) |
| Bachus      | Beauprez      | Bishop (NY) |
| Baker       | Becerra       | Bishop (UT) |

- |                 |               |                  |
|-----------------|---------------|------------------|
| Blackburn       | Green (TX)    | Murphy           |
| Blumenauer      | Green (WI)    | Murtha           |
| Blunt           | Greenwood     | Musgrave         |
| Boehler         | Gutknecht     | Myrick           |
| Boehner         | Hall          | Nadler           |
| Bonilla         | Harman        | Napolitano       |
| Bonner          | Harris        | Nethercutt       |
| Bono            | Hart          | Neugebauer       |
| Boozman         | Hastings (WA) | Ney              |
| Boswell         | Hayes         | Northup          |
| Boucher         | Hayworth      | Norwood          |
| Boyd            | Hefley        | Nunes            |
| Brady (PA)      | Hensarling    | Nussle           |
| Brady (TX)      | Herger        | Obey             |
| Brown (OH)      | Hobson        | Olver            |
| Brown (SC)      | Hoefel        | Ortiz            |
| Brown-Waite,    | Hoekstra      | Osborne          |
| Ginny           | Holden        | Ose              |
| Burgess         | Holt          | Otter            |
| Burns           | Hoolley (OR)  | Owens            |
| Burr            | Hostettler    | Oxley            |
| Burton (IN)     | Houghton      | Pascrell         |
| Buyer           | Hulshof       | Pastor           |
| Calvert         | Hunter        | Pence            |
| Camp            | Hyde          | Peterson (MN)    |
| Cannon          | Inslee        | Peterson (PA)    |
| Cantor          | Isakson       | Petri            |
| Capito          | Israel        | Pitts            |
| Cardin          | Issa          | Platts           |
| Cardoza         | Istook        | Pombo            |
| Carson (OK)     | Jackson (IL)  | Porter           |
| Carter          | Jackson-Lee   | Portman          |
| Castle          | (TX)          | Price (NC)       |
| Chabot          | Janklow       | Pryce (OH)       |
| Chocola         | Jenkins       | Putnam           |
| Coble           | John          | Quinn            |
| Cole            | Johnson (CT)  | Radanovich       |
| Collins         | Johnson (IL)  | Rahall           |
| Cooper          | Johnson, Sam  | Ramstad          |
| Costello        | Jones (NC)    | Rangel           |
| Cox             | Jones (OH)    | Regula           |
| Cramer          | Kanjorski     | Rehberg          |
| Crane           | Kaptur        | Renzi            |
| Crenshaw        | Keller        | Reyes            |
| Crowley         | Kelly         | Reynolds         |
| Cubin           | Kennedy (MN)  | Rogers (AL)      |
| Culberson       | Kildee        | Rogers (KY)      |
| Cunningham      | Kilpatrick    | Rogers (MI)      |
| Davis (AL)      | Kind          | Rohrabacher      |
| Davis (CA)      | King (IA)     | Ros-Lehtinen     |
| Davis (FL)      | King (NY)     | Ross             |
| Davis (TN)      | Kingston      | Rothman          |
| Davis, Jo Ann   | Kirk          | Roybal-Allard    |
| Davis, Tom      | Kline         | Royce            |
| Deal (GA)       | Knollenberg   | Ruppersberger    |
| DeGette         | Kolbe         | Rush             |
| Delahunt        | Kucinich      | Ryan (OH)        |
| DeMint          | LaHood        | Ryan (WI)        |
| Diaz-Balart, L. | Langevin      | Ryun (KS)        |
| Diaz-Balart, M. | Lantos        | Sabo             |
| Dicks           | Larson (CT)   | Sanchez, Loretta |
| Doolittle       | Latham        | Sanders          |
| Doyle           | LaTourette    | Saxton           |
| Dreier          | Leach         | Schiff           |
| Duncan          | Levin         | Schrock          |
| Dunn            | Lewis (CA)    | Scott (GA)       |
| Ehlers          | Lewis (KY)    | Sensenbrenner    |
| Emanuel         | Linder        | Serrano          |
| Emerson         | Lipinski      | Sessions         |
| Engel           | LoBiondo      | Shadegg          |
| English         | Lofgren       | Shaw             |
| Eshoo           | Lucas (KY)    | Shays            |
| Etheridge       | Lucas (OK)    | Sherman          |
| Everett         | Lynch         | Sherwood         |
| Farr            | Manzullo      | Shimkus          |
| Fattah          | Marshall      | Shuster          |
| Feeney          | Matheson      | Simmons          |
| Ferguson        | Matsui        | Simpson          |
| Flake           | McCarthy (MO) | Skelton          |
| Foley           | McCarthy (NY) | Smith (MI)       |
| Forbes          | McCollum      | Smith (NJ)       |
| Ford            | McCrery       | Smith (TX)       |
| Fossella        | McHugh        | Smith (WA)       |
| Franks (AZ)     | McInnis       | Snyder           |
| Frelinghuysen   | McKeon        | Souder           |
| Gallely         | McNulty       | Spratt           |
| Garrett (NJ)    | Meehan        | Stark            |
| Gerlach         | Menendez      | Stearns          |
| Gibbons         | Mica          | Stenholm         |
| Gilchrest       | Michaud       | Strickland       |
| Gillmor         | Millender     | Sullivan         |
| Gingrey         | McDonald      | Sweeney          |
| Gonzalez        | Miller (FL)   | Tancredio        |
| Goode           | Miller (MI)   | Tanner           |
| Goodlatte       | Miller, Gary  | Tauscher         |
| Gordon          | Mollohan      | Tauzin           |
| Goss            | Moore         | Taylor (MS)      |
| Granger         | Moran (KS)    | Taylor (NC)      |
| Graves          | Moran (VA)    | Terry            |