

NOT VOTING—19

Akin	Gutierrez	Miller (NC)
Bereuter	Harman	Murtha
Bradley (NH)	Hunter	Pearce
Case	Klecza	Sanchez, Linda
Fletcher	Lowe	T.
Gephardt	Manzullo	Stupak
Goss	McCotter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1717

Messrs. LEWIS of Kentucky, REYNOLDS, BISHOP of Utah, BARRETT of South Carolina, WILSON of South Carolina and FEENEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100-CENTURY OF AVIATION REAUTHORIZATION ACT

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise the managers that the gentleman from Florida (Mr. MICA) has 17½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 22½ minutes remaining.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized.

Mr. OBERSTAR. Mr. Speaker, I thank the Speaker for a commendable job of maintaining order in the House.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), ranking member on the Subcommittee on Aviation.

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

There is some confusion about what actually we are voting on here and what the impact will be, and I would just like to make that clear to Members.

This President early in his term issued an executive order finding that air traffic control is not inherently a governmental function, which opens up the potential for basically a contracting out of the air traffic control system of the United States. The original House bill, debated fully in committee, prohibited privatization of air traffic control. It made a minor exception, particularly for maintenance of the system. The Senate bill debated and voted on an amendment which absolutely prohibited any contracting out by the FAA, even for maintenance purposes. So we went to conference with a prohibition in both the House and the Senate bill on the contracting out of air traffic control, the control of our air space and the safety of the flying public.

At the one brief conference meeting last July, suddenly we were confronted with a proposal to privatize 71 air traffic control towers in the United States. For unclear reasons why 71, and then,

of course, for policy reasons, two were stripped, which has been spoken to earlier because Alaska is indeed unique, but there were still 69 to be contracted out.

The leadership found they could not pass that bill. So this week we voted to go back to conference. There was no conference. There was a press conference by the majority, and then we are back now in the House, and as the Chair said earlier, there was no conference, and that would normally violate the rules of the House. It never met, but that rule is waived, so we are here now.

We have heard from that side that there is no mandate for privatization in this bill. That is correct, but what we have here is very clear intent. The President has said air traffic control, the control of our air space for safety purposes and national security, is not inherently a governmental function. I think that is an astounding finding, but that is what this President has found. And that means that with no language in the bill, the President can contract out any or all of the air traffic control system in the United States, and I believe that would be disastrous for the traveling public and disastrous for national security.

We are going to trust to some private, for-profit contractor, working perhaps under direction of the airlines, with spacing of airplanes and other critical things that go to safety issues in this country? I do not believe that is an experiment we need to conduct.

We have the most efficient air traffic control system, the safest air traffic control system in the world. There is nothing to be improved upon here except that no one makes money on it.

So that is what the vote is about. There is going to be privatization if my colleagues vote for this conference report. The White House has made it clear. They said they would veto the bill if they did not get the right to do at least 69 towers. So it is clear where they are going to go. They have said it is not an inherently governmental function. Protecting the flying public, their safety, protecting and securing the air space of the United States, according to this administration, is not an inherently governmental function. That is an absurd position for the Government of the United States, particularly after 9/11.

They also stripped out language in the bill that said that flight attendants shall get additional training to deal with terrorists. At the urging of Continental Airlines, it was changed to "may," and I hope everyone who flies on Continental will remember that they do not seem to take seriously what happened on 9/11. Other airlines did not like that, but it was stuck into the bill.

Then the final issue of cabotage. Sounds exotic. It is very simple. Air China will now be able to deliver packages into the heartland of the United States, having landed in Alaska, some-

thing prohibited in existing law. We will lose jobs and security because of that. Vote no.

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

I am pleased to rise and I wanted to clarify a couple of issues that have been raised. Let me say, we all have our roles in this august body, and I am honored and privileged to have as my ranking member the gentleman from Oregon (Mr. DEFAZIO), the gentleman who just spoke. He is an incredibly hardworking, dedicated, ranking member and has contributed immensely to this product that we have before us today. But there is a question on which we have a separation, and we just heard some of the history of the air traffic control structure in our country.

Under the Clinton administration, if we go back to 1994, when I came as a freshman, the gentleman from Minnesota (Mr. OBERSTAR) was the chairman of the Subcommittee on Aviation. Under the Clinton administration, Mr. Clinton in that year, 1994, privatized. He took from FAA towers to contract towers some 24 towers. Was there an outcry? No. During the remainder of the balance of the Clinton term, President Clinton converted 116 FAA towers to contract towers. Was there an outcry? No.

In the 3 years that President Bush has been in office, how many FAA towers has he converted to private contract towers? Zero. The other side complained when we put 69 towers that were mentioned in this FAA report under the Inspector General, 69 towers based on cost and safety, primarily on safety, that these towers that are now all FAA towers would be safer, based on their evaluation, if they converted to contract towers, and cost about \$900,000 less, read the report. That is what we put in there. They protested. So what did we do? We took these out.

We now have no reference to privatization, but they do not want this President to have the same right that President Clinton had for some 7.9 years. We have taken every single mention of privatization, any specific tower, out of the bill. So that is where we find ourselves now. We cannot please them no matter what we do.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume, again to correct the record.

The gentleman said there was no outcry when the Clinton administration moved to privatize air traffic control. That was an initiative that came out of the Gore "reinvent government program." I was the chairman of the Subcommittee on Aviation. I took it on head-on, with the help of decent-thinking Republicans, who supported our effort to stop it dead in its tracks, and we did. And when they began to move one by one to privatize air traffic control towers, some of which were already Federal towers, I moved against

that. Every time I objected, and finally, finally, when we no longer had the majority in this body, the administration backed down and the President issued his executive order.

There are some functions government performs that can be done by the private sector, and this body has given authority to the executive branch to do that, but I submit that separating aircraft is not one of those functions that should be contracted out. There is a vast difference, a vast difference between a tower with a D-BRITE, a rudimentary means of controlling air traffic, a tower that handles 10 to 15,000 general aviation aircraft in a year in Van Nuys, California and one which has 498,000 operations, complex air space, complexity of operations and is under the control of the southern California TRACON which handles two-and-a-half million operations a year. That is the radar that supports the tower that this proposal once would have subjected to privatization. That is wrong. There is no policy behind it.

I kept telling the Clinton administration, you come up with a policy, let us have a discussion of it, let us have a debate. This is a debate I am sorry we are having here that we should have had in the conference, and we never had. I am offended on process and on substance, and as for allegations made just a moment ago by the Chair of the subcommittee, let me go back to the testimony of the Inspector General at our committee.

In addition to limitations he has already cited about the report that the gentleman has cited, and due to the low number of operational errors at both of these places, I would caution you against concluding that either group has a safer safety record than the other. It is not fair to draw that conclusion. That is the conclusion of the Inspector General.

I rest my case.

□ 1730

MOTION TO ADJOURN

Mr. OBERSTAR. Mr. Speaker, I move the House do now adjourn.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion to adjourn offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 59, nays 343, not voting 32, as follows:

[Roll No. 590]

YEAS—59

Alexander	Capuano	Davis (IL)
Allen	Carson (IN)	Davis (TN)
Baldwin	Clay	DeFazio
Ballance	Clyburn	DeLauro
Brown, Corrine	Conyers	Dingell

Doggett	Langevin
Evans	Larsen (WA)
Fattah	Lee
Filner	Lewis (GA)
Frank (MA)	McDermott
Grijalva	McGovern
Hastings (FL)	McIntyre
Honda	Meek (FL)
Jackson (IL)	Miller, George
Johnson, E. B.	Oberstar
Jones (OH)	Olver
Kanjorski	Pallone
Kaptur	Pascrell
Kennedy (RI)	Pelosi
Lampson	Sanders

NAYS—343

Abercrombie	Deutsch
Ackerman	Diaz-Balart, L.
Aderholt	Diaz-Balart, M.
Andrews	Dicks
Baca	Dooley (CA)
Bachus	Doolittle
Baker	Doyle
Ballenger	Dreier
Barrett (SC)	Duncan
Bartlett (MD)	Dunn
Barton (TX)	Edwards
Bass	Ehlers
Beauprez	Emanuel
Becerra	Emerson
Bell	Engel
Bereuter	Eshoo
Berkley	Etheridge
Berman	Everett
Berry	Farr
Biggert	Feeney
Bilirakis	Ferguson
Bishop (GA)	Flake
Bishop (NY)	Foley
Bishop (UT)	Forbes
Blackburn	Ford
Blumenauer	Fossella
Blunt	Franks (AZ)
Boehlert	Frelinghuysen
Boehner	Gallely
Bonilla	Garrett (NJ)
Bonner	Gerlach
Bono	Gibbons
Boozman	Gilchrest
Boswell	Gillmor
Boucher	Gingrey
Boyd	Gonzalez
Brady (PA)	Goode
Brady (TX)	Goodlatte
Brown (OH)	Gordon
Brown (SC)	Granger
Brown-Waite,	Graves
Ginny	Green (TX)
Burgess	Green (WI)
Burns	Greenwood
Burr	Gutknecht
Burton (IN)	Hall
Buyer	Harris
Calvert	Hart
Camp	Hastings (WA)
Cannon	Hayworth
Cantor	Hefley
Capito	Hensarling
Capps	Herger
Cardin	Hill
Cardoza	Hinchey
Carson (OK)	Hinojosa
Castle	Hobson
Chabot	Hoefel
Chocola	Hoekstra
Coble	Holden
Cole	Holt
Collins	Hooley (OR)
Cooper	Hostettler
Costello	Houghton
Cox	Hoyer
Cramer	Hulshof
Crane	Hyde
Crenshaw	Inslee
Crowley	Isakson
Cubin	Israel
Culberson	Issa
Cummings	Istook
Cunningham	Jackson-Lee
Davis (AL)	(TX)
Davis (CA)	Janklow
Davis (FL)	Jefferson
Davis, Jo Ann	Jenkins
Davis, Tom	John
Deal (GA)	Johnson (CT)
DeGette	Johnson (IL)
DeLay	Johnson, Sam
DeMint	Jones (NC)

Sandlin
Schakowsky
Slaughter
Solis
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watson
Waxman
Woolsey

Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering

Pitts	Sanchez, Loretta
Platts	Saxton
Pombo	Schiff
Pomeroy	Schrock
Porter	Scott (GA)
Portman	Scott (VA)
Price (NC)	Sensenbrenner
Pryce (OH)	Serrano
Putnam	Sessions
Quinn	Shadegg
Rahall	Shaw
Ramstad	Shays
Rangel	Sherman
Regula	Sherwood
Rehberg	Shimkus
Reyes	Shuster
Reynolds	Simmons
Rodriguez	Simpson
Rogers (AL)	Skelton
Rogers (KY)	Smith (MI)
Rogers (MI)	Smith (TX)
Rohrabacher	Smith (WA)
Ros-Lehtinen	Snyder
Ross	Souder
Rothman	Spratt
Roybal-Allard	Stark
Royce	Stearns
Ruppersberger	Stenholm
Rush	Strickland
Ryan (OH)	Sullivan
Ryan (WI)	Sweeney
Ryun (KS)	Tancredo
Sabo	Tanner

NOT VOTING—32

Akin	Harman	Miller (NC)
Baird	Hayes	Pearce
Bradley (NH)	Hunter	Radanovich
Carter	Klecza	Renzi
Case	LaTourette	Sanchez, Linda
Delahunt	Lowe	T.
English	Manzullo	Smith (NJ)
Fletcher	McCollum	Stupak
Frost	McCotter	Tauzin
Gephardt	Millender	Whitfield
Goss	McDonald	
Gutierrez	Miller (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1747

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100-CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), one of the outstanding members of the Subcommittee on Aviation.

Mr. BEAUPREZ. Mr. Speaker, I commend the gentleman for bringing this legislation to the floor, and also for his courage and fortitude in standing up over several weeks of sometimes personal attacks. In trying to bring this legislation to the floor, the gentleman has shown remarkable composure and leadership.

As every member of the Subcommittee on Aviation knows, and I hope the Members in this Chamber appreciate, this conference report contains many provisions that will be helpful to the ailing aviation industry. Of particular interest in my district, and districts and airports all over this Nation, is a provision in this bill that sets up an airport security improvement grant program so that airports