had seen fit to consider this critical legislation, and I reman hopeful that many provisions of this bill will be adopted during conference consideration following the expected adoption of S. 1209.

Today we are here to consider the need for increased attention to the plight of workers affected by U.S. supported international trade agreements. As someone who has supported pro-trade measures in the past, I believe the negative effects on workers and communities has been often overlooked by proponents in the trade debate. Regardless of how each Member of Congress feels about globalization and free trade, I believe there is general agreement that the existing federal program to assist workers displaced by trade is outdated and in serious need of reform.

The current TAA program contains benefits criteria that are too restrictive; exclude too many workers; are inconsistent and contain confusing regulations—including a separate program under NAFTA; provide inadequate funding for job training, and lacks health care coverage.

My bill would improve on the current TAA in a number of ways, including the establishment of allowance, training, relocation and support service assistance to workers affected by shifts in production. The measures would also harmonize existing TAA programs to provide more effective and efficient results for individuals and communities. The legislation would facilitate on-the-job training and faster reemployment for older workers by providing up to two years in wage insurance for qualified workers over age 50. Additionally, income maintenance would be increased from 52 to 78 weeks, and funds available for training would be increased to ensure that workers taking part-time jobs would not lose training benefits. H.R. 3359 would also provide a tax credit for 50 percent of COBRA payments, increase assistance for job relocation and link TAA recipients to child care and health care benefits under existing programs. To help communities respond to job losses more quickly and efficiently, this bill would encourage greater cooperation between federal, state, regional, and local agencies that deal with individuals receiving trade adjustment assistance.

Mr. Speaker, as we move toward consideration of the Trade Promotion Authority later today, I believe we must not discount the effect of trade to the American workers. I believe we can improve the trade adjustment assistance programs in a fundamental and beneficial way. Congress should pass legislation that will make these improvements in the trade adjustment assistance program, and I ask my colleagues to support this bill.

Mr. DICKS. Mr. speaker, I strongly support H.R. 3008, the reauthorization of the Trade Adjustment Act, which is a vital program to help those workers who have lost their jobs due to increased imports. TAA gives these displaced workers the best chance for new employment opportunities. The program provides retraining, education, job search assistance, and income support to get people through the trials of unemployment and toward a new job.

I want to commend Chairman THOMAS and Ranking Member RANGEL for including in this bill additional benefits to reflect the economic consequences of September 11. These workers, including many in Washington State, suddenly were left jobless due to the terrorist attacks and I am glad that this bill will help them. However, we need to provide even more benefits for all jobless Americans whatever the cause of their unemployment.

And finally, my deepest gratitude goes to Chairman THOMAS and Ranking Member RANGEL for including a provision in H.R. 3008 to correct a problem that penalizes Washington and other States with supplemental unemployment programs for displaced workers who are being retrained. Congresswoman DUNN and myself brought to their attention the fact that TAA benefits would be delayed in States like Washington that have taken the forward-looking step of creating their own supplemental retraining programs. It makes no sense to put Washington and these other States at a disadvantage because they have decided to provide their displaced workers with additional help. I am grateful that Chairman THOMAS and Ranking Member RANGEL understood the unfairness of this situation and agreed to correct it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3008, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CUSTOMS BORDER SECURITY ACT OF 2001

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3129

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Border Security Act of 2001''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.
Sec. 122. Study and report relating to personnel practices of the Customs Service.
Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 124. Establishment and implementation of cost accounting system; reports.
Sec. 125. Study and report relating to timeliness of prospective rulings.
Sec. 126. Study and report relating to Customs user fees.
Sec. 127. Fees for Customs inspections at express courier facilities.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.
Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 143. Mandatory advanced electronic information for cargo and passengers.
Sec. 144. Border search authority for certain contraband in outbound mail.
Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows: ''(A) $899,121,000 for fiscal year 2002.''; and

(2) in subparagraph (B) to read as follows:

''(B) $922,405,000 for fiscal year 2003.''.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

''(i) $1,606,068,000 for fiscal year 2002.''; and

(B) in clause (ii) to read as follows:

''(ii) $1,647,662,000 for fiscal year 2003.''.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 and 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

''(A) $181,860,000 for fiscal year 2002.''; and

(2) in subparagraph (B) to read as follows:

''(B) $186,570,000 for fiscal year 2003.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Miscellaneous Provisions

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C.

2075(b)), as amended by section 101 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ''prospective ruling'' means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) CUSTOMS USER FEES.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended as follows:

(1) Subsection (a) is amended—

(A) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively;

(B) by inserting after paragraph (6) the following new paragraph:

''(7) For the processing of merchandise that is informally entered or released at a centralized hub facility or an express consignment carrier facility (other than shipments valued at $200 or less, which shall not be subject to any fee under this subsection), $5.50''; and

(C) in the last sentence of paragraph (11), as so redesignated, by striking ''subparagraphs (A), (B), and (C),'' and inserting ''subparagraphs (A) and (B), see paragraph (7), and at facilities referred to in subparagraph (C),''.

(2) Subsection (b) is amended—

(A) in paragraph (5), by striking ''(8)'' and inserting ''(9)'';

(B) in paragraph (6)—

(i) by striking ''(a)(8)'' and inserting ''(a)(9)''; and

(ii) by striking ''(8)'' and inserting ''(9)'';

(C) in paragraph (8)—

(i) in subparagraph (A)(i), by striking ''(a)(9)'' and inserting ''(a)(10)''; and

(ii) in subparagraphs (B), (C), (D), and (E), by striking ''(9) or (10)'' each place it appears and inserting ''(10) or (11)''; and

(D) in paragraph (9)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''a centralized hub facility, an express consignment carrier facility, or'';

(ii) by striking clause (ii) of subparagraph (A);

(iii) in clause (i) of subparagraph (A)—

(I) by striking—

''(i) In the case of a small airport or other facility—'';

(II) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and aligning the text of those clauses with clauses (i) and (ii) of paragraph (8)(E); and

(III) in clause (ii), as so redesignated, by striking ''(a)(10) for such fiscal year, in an amount equal to the reimbursement under subclause (I)'' and inserting ''(a)(11) for such fiscal year, in an amount equal to the reimbursement under clause (i)''; and

(iv) by amending subparagraph (B) to read as follows:

''(B) For purposes of this paragraph, the term 'small airport or other facility' means any airport or facility to which section 236 of the Trade and Tariff Act of 1984 applies, if more than 25,000 informal entries were cleared through such airport or facility during the preceding fiscal year.''; and

(E) in paragraphs (10) and (11), by striking ''(9) or (10)'' each place it appears and inserting ''(10) or (11)''.

(3) Subsection (c) is amended by adding at the end the following:

''(6) The terms 'centralized hub facility' and 'express consignment carrier facility' mean a separate or shared specialized facility approved by a port director of the Customs Service for examination and release of imported merchandise carried by an express consignment carrier. Entry filing is also permitted at a centralized hub facility.''.

(4) Subsection (d)(4) is amended by striking ''(a)(7)'' each place it appears and inserting ''(a)(8)''.

(5) Subsection (e) is amended by adding at the end the following:

''(7) Notwithstanding section 451 of the Tariff Act of 1930 or any other provision of law, all services rendered by the United States Customs Service at a centralized hub facility or an express consignment carrier facility relating to the inspection or release of merchandise from such facility, either inbound or upon arrival from another country or outbound when departing to another country (including, but not limited to, normal and overtime services) shall be adequately provided when needed, at no cost to such facility (other than the fees imposed under subsection (a) of this section).''.

(6) Subsection (f)(3)(A) is amended—

(A) in the matter preceding clause (i), by striking ''(9) or (10)'' and inserting ''(10) or (11)'';

(B) in clause (i)—

(i) in subclause (IV), by striking ''and'' at the end;

(ii) in subclause (V), by adding ''and'' after ''1993,''; and

(iii) by inserting after subclause (V) the following:

''(VI) providing the services described in subsection (e)(7) at centralized hub facilities and express consignment carrier facilities,''; and

(C) in clause (ii), by striking ''(8)'' each place it appears and inserting ''(9)''.

(7) Subsection (f)(6) is amended by striking ''(9) and (10)'' and inserting ''(10) and (11)''.

(b) ADDITIONAL CONFORMING AMENDMENT.—Section 301(b)(2)(B) of the Customs Procedural Reform and Simplification Act of 1978

(19 U.S.C. 2075(b)(2)(B)) is amended by striking ''(9) and (10)'' and inserting ''(10) and (11)''.

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking ''Any of the officers'' and inserting ''(a) Any of the officers''; and

(2) by adding at the end the following:

''(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.''.

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking ''Whenever the President'' and inserting ''(a) Whenever the President''; and

(2) by adding at the end the following:

''(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

''(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

''(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

''(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

''(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

''(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).''.

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking ''Any manifest'' and inserting ''(1) Any manifest''; and

(B) by adding at the end the following:

''(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

''SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

''(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

''(1) full name;

''(2) date of birth and citizenship;

''(3) gender;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number;

''(6) passenger name record; and

''(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

''(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

''SEC. 583. EXAMINATION OF OUTBOUND MAIL.

''(a) EXAMINATION.—

''(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

''(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

''(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

''(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

''(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

''(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

''(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

''(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

''(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

''(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

''(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

''(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

''(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

''(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

''(K) Merchandise subject to any other law enforced by the Customs Service.

''(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

''(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

''(B) the sender or addressee has given written authorization for such reading.''.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs

Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''not to exceed'';

(B) in clause (i) to read as follows:

''(i) $30,000,000 for fiscal year 2002.''; and

(C) in clause (ii) to read as follows:

''(ii) $31,000,000 for fiscal year 2003.''; and

(2) in subparagraph (B)—

(A) in clause (i), by adding ''and'' at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

''(i) $51,400,000 for fiscal year 2002.''; and

(2) in clause (ii) to read as follows:

''(ii) $53,400,000 for fiscal year 2003.''.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

''(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking ''$400'' and inserting ''$800''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

''(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

''(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

As I indicated on the previous legislation in front of us, I do ask that we suspend the rules and pass H.R. 3129, as amended, as well.

The amendment in this instance is a deletion rather than an addition. Although in committee we had a full and, I think, useful discussion about a number of concerns dealing with Customs and the way in which Customs deals with our border security and the way in which they enforce the law, one provision which caused some consternation and which has been in front of us for several years is the way in which Customs officials in particular areas are compensated.

It is a difficult job, because many of the airports in Customs locations are open 24 hours a day. People are coming in at all hours of the morning and night as well as during the day, and so it is a difficult labor situation. And in an attempt to try to figure out how to have an equitable pay structure for those who might be working shifts that most of us would be more familiar with, called graveyard shifts or night shifts, there does need to be a bit of an incentive in terms of offering more than the normal compensation during normal working hours.

The difficulty is that in certain areas there are individuals who are receiving nighttime pay, or overtime pay, that is used normally to compensate for the unusual hours they are working, and they are working in the middle of the day. This anomaly we attempt to correct in this legislation.

My friends on the other side of the aisle were strongly objective to removing night pay for people who are at work and if they look out the window the sun is shining. To make sure that we move forward with this whole area of trade and Customs, this legislation was placed on the suspension calendar. As a gesture which may or may not be received in the spirit in which it is delivered, we requested that we delete that portion of the Customs reauthorization dealing with the wage dispute.

The rest of the bill, I believe, is completely meritorious and deserves in its entirety to be passed, without objection, and I would urge that we do so on the suspension calendar.

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

Mr. MCDERMOTT. Mr. Speaker, I yield myself 3 minutes, and I rise in opposition to H.R. 3129.

This is another bill that is put out here to confuse people, to throw sand in the eyes of Members of Congress. It was presented to the committee as a pay bill for Customs people. We voted on it there. And between the committee and coming to the floor, they suddenly took that all out and put a study in. Thank you very much, Mr. Chairman, we appreciate that. The other provisions were no good.

But what is left is not good either, because it should have gone to the Committee on the Judiciary. The sections which pertain to immunity of Customs agents and allowing the unwarranted search of outgoing U.S. mail should have been talked about by the Committee on the Judiciary. It seems to me that the Ways and Means was used as a way to go around the Committee on the Judiciary, rather than having them consider what needs to be done.

Now, our Customs agents are good and sincere people who have grave responsibilities. Unfortunately, there have been abuses of the authority that Customs agents have. A March 2000 General Accounting Office report found that while black female citizens were nine times more likely than white female citizens to be subject to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white women.

Section 141 of the bill would exempt the Customs officer from liability for engaging in illegal body cavity search and from liability for illegal searches, provided the officer acted in good faith. Now, there is no reason put forward why we should change the standard set by the Supreme Court that the reasonableness of an officer's behavior is the proper test of liability. In the aftermath of the GAO study, many changes were instituted by Customs, and I believe that we should not change this in this way.

This is also not the time to give them a new standard about looking at mail. We prevent mail from coming in without a search because we are protecting ourselves. When it is going out, there is no justification given for why we are doing that. I think that that is another change, a power grab by the Justice Department, done through the Committee on Ways and Means.

And without anybody talking about it, they then added $9 billion to Customs for agents to deal with transshipment. Now, my colleagues, that is put in the bill for one reason and one reason only: To get textile people to say they are going to keep the textiles out of our country, we have good protectionists, so I can vote for trade promotion authority. It is simply a sop to Members.

Now, if Members think this is going to go over to the Senate and pass, remember, this has to go through the Senate. Passing in the House is not enough. This is a sop that will not work. I will vote ''no.''

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade.

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

Mr. Speaker, H.R. 3129, the Customs Border Security Act of 2001, would authorize the budget for the U.S. Customs Service, International Trade Commission, and Office of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography. The legislation will help Customs close a gap in our border that lets illegal money be taken out of the country. This legislation will also significantly help Customs' ability to stop the flow of illegal drugs from crossing our borders and getting into our children's hands.

The administration participated in drafting and working through several measures in this bill. We have a provision to require advanced electronic manifesting on passengers and cargo so that the Customs Service can have advanced notice of who is on planes and what is on ships about to land on American soil.

We also have a provision to give our Customs inspectors some protection against frivolous lawsuits since now, more than ever, they will be scrutinizing and watching people who come into the country, knowing full well that the next terrorist may be stepping off the plane at any time. Inspectors acting in good faith should not have to think twice about being subject to personal civil lawsuits. So we are proposing that they have immunity, but only for those who act in good faith, not for inspectors who may wrongly use race, ethnicity or gender to profile passengers.

The administration also requested that Customs be able to search outgoing mail because of the fact that the

U.S. mail is used to transmit laundered money out of the country. I want to assure Members that we looked carefully at the privacy issues involved here and believe we adequately address them in this legislation. People fear that Customs may be reading our mail, but our bill preserves our cherished fourth amendment right against unwarranted search by requiring that no letter may be read by Customs officers unless a valid warrant is obtained. Remember, money from illegal activities is what leads us to terrorists and drug smugglers. We must preserve our privacy while giving Customs authority to root out these illegal activities.

We have increased funding to reestablish the New York Customs offices and an additional increase in funding to upgrade our textile transshipment monitoring and enforcement operations. Also, H.R. 3129 adds $10 million for the Customs Cyber-smuggling Center. With the explosion of the Internet, our children have become vulnerable to online predators. We need to protect them, and this legislation will help Customs combat this vile behavior.

This legislation also contains authorization for funding for Customs' new automation, the automated commercial environment. In 1998, Customs processed 19.7 million entries. This volume is expected to double by 2005. The current automation system is on the brink of continual brownout and possibly shutdowns. If this happens, it will cost American taxpayers millions of dollars.

I urge all of my colleagues who are serious about stopping terrorism, drugs, and online child pornography, while keeping our trade flowing, to support this bill.

□ 1045

Mr. McDERMOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 3129. This bill threatens to violate the civil rights of international travelers. The Customs Service's poor record of racially profiling passengers has been well documented. While I appreciate the attempts that they have made to address the problem, now is not the time to grant immunity to Customs officers conducting personal searches.

For more than 2 years, I have been examining allegations of racial profiling by Customs inspectors throughout the country, and mistreatment of international travelers, especially African Americans and Hispanics, in the Customs Service personal search process. I will not support any legislation that will grant Customs officers immunity before we have seen significant improvement in their record on racial profiling.

As public officials, Customs agents already have qualified immunity which is more than adequate to protect them if acting within the scope of their official authority. Civil lawsuits against government officials and agents are an important deterrent to racial profiling and unconstitutional and unlawful searches. Without the possibility of a lawsuit, individuals who have been treated in an unconstitutional manner by a government agency will have no redress, and the government agents will have less incentive to comply with the Constitution.

Mr. Speaker, I urge all of my colleagues to protect the basic civil rights and civil liberties of international travelers and oppose this bill.

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

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, we have done a lot in a rush after September 11: Questioning the attorney's right to talk to his client without being listened to; military trials where the Attorney General and the Secretary of Defense will certify someone was a foreign terrorist and deny them a fair trial, whether they happen to be, in fact, a guilty terrorist or not. The individual might be an innocent citizen, but is still stuck with this system because the Attorney General has accused the individual.

We passed the airline security bill which included provisions which significantly reduced the rights of victims to be compensated for their injuries and without consideration by the Committee on the Judiciary which has jurisdiction over this, and now we are asked to suspend the rules and pass a bill which includes provisions which reduce the rights of victims of unconstitutional, unreasonable searches by government officials, searches which could include strip searches and so-called cavity searches. Many of these searches have been found to be conducted pursuant to racial profiling. They have only been stopped by lawsuits, and here we have bill that will throw some of these people out of court and make it less likely that these unconstitutional searches will be stopped.

The Supreme Court has held that the objective reasonableness of the official's behavior ought to be the standard, not the so-called good faith standard that is in this bill as the standard for liability. If we are going to change the standard, we ought to do it through the regular legislative process. Let the Committee on the Judiciary have hearings so we can consider whether a change needs to take place.

Rather, we are here on a motion to suspend the rules and just pass the bill. I would hope that we would not proceed with this standard, with this procedure, where we cannot have amendments or hearings, we have to take it up or down. This is too serious an issue to consider this way. I urge Members to defeat the motion to suspend the rules.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation. We did have hearings on this bill, I would note, and I am very proud to support it.

Furthermore, it is an urgent matter that we pass this at this time. First of all, it provides clear authority for Customs to get passenger lists from other countries. That authority is not clear in our Customs law. If we want Customs to provide us with the protection that they need to, we need to enable them to have advanced electronic information about passengers, cargo, carrier crew lists, and manifests.

This is very important in terms of the immediate challenge of protecting ourselves more effectively against terrorism. This is just as important as the airport safety bill. In addition to providing access to information about passengers and cargo, it allows clear authority to search outbound mail. Customs has authority to search inbound mail, but it is in the outbound mail that the cash roars out of America, laundered clean for terrorist activities and illegal drug smuggling.

Further, $10 million is going to go to something that I have been fighting for for 3 years and has had lots of hearings. Our children are not threatened by sexual exploitation and attack any more by people lurking in the school yards of America. They are now on the computers. They are in chat rooms. Do Members know where most of the child pornography comes from and how it comes into America? It flows in through cyberspace. Who are the people who have developed the most effective means of stopping child pornography and interrupting those conversations in the chat room through which adults are gaining access to children and luring them into dangerous relationships, it is the Customs folks.

I have talked to them extensively in my district. This is the ammunition that they need to beef up the resources and expand the expertise. They are really now skilled at this, being able to follow these chat room conversations, spot those individuals who are posing as young people, but who are really out to attract young people into meeting them here or there for sexual exploitation.

Mr. Speaker, we are very fortunate that we have not had more young children murdered. We have had children met in parking lots as a result of contacts made through international cyberspace connections.

And now the business that is developing in tourism, foreign companies luring, over our computers, adults to join trips whose goal it is to offer young children around the world to American tourists. Mr. Speaker, it is terrible. It is horrible, and that is a piece of this legislation that is urgently needed.

Mr. Speaker, do not underestimate the importance and the relevance of

this to the very situation we face right now. Customs lost textile monitoring and enforcement infrastructure from the September 11 attack, and this allows the reestablishment of those offices and provides the resources so that the textile clearinghouse and commercial operations can be reestablished.

This is a very, very important bill. It is not sexy. There is not a lot of interest in Customs in Congress. There never has been. But the authorities that we are granting in this bill, the resources that we are providing, the border protection equipment to fight terrorism and illegal drugs, is very important. Again, do not let this be mired down or defeated by all of the other cross-currents that are swirling in this body and between the two Houses.

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

Mr. Speaker, the gentlewoman's program has been funded for 3 years without authorization. We do not need this bill for that purpose.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. RANGEL).

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

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

Mr. RANGEL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like the gentlewoman from Connecticut (Mrs. JOHNSON) to know that the Committee on the Judiciary made a great pitch to increase the funding for Customs. It was blocked by the chairman of the Committee on Ways and Means sitting there. That is why we could not do it.

Mr. RANGEL. Mr. Speaker, Customs has no better friend than myself. When I was prosecuting narcotics cases, they were just as dedicated then in trying to keep those poisons from crossing our borders as they are today.

But it bothers me that the gentlewoman from Connecticut (Mrs. JOHNSON) in calling the bill not sexy would spend most of her time talking about preventing child pornography when the last several speakers on our side were talking about civil liberties. As a matter of fact, I have not heard anyone on the other side deal with this.

Mr. Speaker, we can have a good cause and good bill, fight terrorism, but if we ever lose sight of the constitutional rights of people to be protected, their civil rights, then we have lost this battle against terrorism. We have provisions here that say in this bill on the suspension calendar without the benefit of the thinking of the people on the Committee on the Judiciary that we are going to give some type of immunity, immunity to people who violate the rights of other people.

The Customs Service did not support these changes. The Department of Justice did not ask for these changes. The Department of Treasury did not ask for these changes, and these changes can violate the very structure of the constitutional rights of our people. So hey, put on the record, Democrats are against child pornography; but let us get on with answering some of the serious constitutional questions concerning civil liberties that our side has raised.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, the immunity section was specifically asked for by Customs, and responds to their very deep-seated need for protection from suit for actions that they as officers must take. After all, they do not know who is walking up to them and must make difficult instant judgments about their need to search and/or restraint.

Mr. RANGEL. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would not put the valuable reputation of the gentlewoman from Connecticut on the line for that statement because our side is convinced that Customs did not ask for it and do not support it. The gentlewoman knows how much I respect her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I appreciate the gentleman making that comment. I am putting on the record that our staff says Customs asked for this, so at least the public listening to this debate and the Members ought to know that our staff believes Customs asked for this very language and needs it.

Mr. RANGEL. If the gentlewoman would continue to yield, I am certain before the debate is over, staff will produce a document from Customs stating that. If not, we have a problem.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS) to clarify what the Department of Justice wants.

Mr. CONYERS. Mr. Speaker, I have no idea what Department of Justice wants; and I can tell the gentleman, I do not care what Customs wants. Whether they asked for it or not, they should not get it. There are no documents to prove that they asked for it; Members can be the jury.

The question that the gentleman from New York raises is whether we are going to sanctioning in this quickie here, a racial profiling exemption that goes back, the qualified exemption that Customs already enjoys.

What are we doing here? We already have a dozen cases that have come out of court that have said that Customs is protected and has a qualified exemption from even the wrongdoing of the agents of Customs.

□ 1100

Now, and I guess this is in the quiet of the daytime, we are now saying let us exempt the whole agency, not just the individual agents that conduct these violations. Then I am hearing people talk about we need more money. And it is terrible what is happening to kids and ladies and girls, but the chairman is the one that blocked us adding the money. He is sitting here quietly reserving his time.

This is a wonderful practice, but what has it got to do with the Customs Border Security Act? Here is a bill that is going to bite the dust because we will not level about what we are doing here. So I cannot authorize sanctioning agencies to have exclusive remedy exemption, when they already have partial exemption.

Mr. THOMAS. Mr. Speaker, I continue to reserve my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

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

Mr. Speaker, we could have had a very good bill that would have received a very large vote in support. The majority did the right thing by removing a provision in from the bill that would have unfairly cut the pay of our Customs officials, our front line at our borders to prevent terrorist activity from entering into our country. It has provisions which provide for automation for a computer system which is outdated and which must be replaced so we can track what comes into this country. But yet this bill instead chose to sacrifice privacy under the guise of security.

Regarding this immunity that the Customs Service so-called requested, first in committee, they could not explain why they needed it. But, more importantly, we know that the Customs Service has a terrible record when it comes to racial profiling.

Our own auditors, the General Accounting Office, has found that while black female U.S. citizens are nine times more likely than white U.S. citizens to be the subject of x-ray searches by our Customs Service, they are half as likely as white female U.S. citizens to actually be carrying contraband.

Let me repeat that. Even though African American women are found to carry contraband, U.S. citizen African American women are half as likely to carry contraband as white U.S. citizen women, they are nine times as likely to be searched. Yet we want to give the Customs Service more immunity from lawsuits for having done that? It is crazy.

Then we talk about inspecting mail. We inspect mail that comes into this country because we do not know what it might contain. Good. But mail going out, our privacy invaded? Right now, Customs Service has every right to inspect that mail by getting a search warrant. They can hold mail.

If they believe there is some contraband there, if there is money laundering occurring, all they have to do is hold it. They have the power to get a judicial order to hold it and inspect. What we are saying in this bill is forget

about getting the judicial order, let us let them inspect without that. This is wrong. We should not sacrifice privacy.

We should pass this bill if we could, but we cannot. Let us defeat it.

Mr. THOMAS. Mr. Speaker, I continue to reserve the balance of my time, the assumption being we have no further speakers.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this is the wrong way and the wrong time to consider this bill. Voted out of committee on Halloween, this is your typical Ways and Means trick-or-treat bill; a ''trick'' for hard-working employees, whose pay would be lowered, as originally proposed in a provision abandoned only last night, a ''treat'' for those who refuse to be held accountable.

If this measure is so absolutely vital in the war on terrorism, why has the gentleman from California (Mr. THOMAS) and the Republican leadership sat on it for 36 days, for 5 weeks, doing nothing about this piece of legislation?

No opportunity was offered to either the Ways and Means Committee or the Committee on the Judiciary, to consider the civil liberties questions associated with this measure.

This bill is part of a larger, very troubling trend in our country today. In defending our country from terrorists, it is critically important that we not erode the very values and principles for which this country stands—that we not destroy our democratic system in a misguided attempt to save it.

What separates us from our enemies is our respect for the rule of law, and as we seek to protect our freedom, we must not adopt measures that undermine our democracy.

Each passing day, particularly from the mouth of Attorney General John Ashcroft, seems to bring new dangers to our system of liberty: Eavesdropping on conversations between attorneys and their clients; secret military tribunals that deny the choice of legal counsel, deny trial by jury, deny any appeal through the judicial process, and deny other due process guarantees. They are the very type of fundamental procedural rights that those of us in the Human Rights Caucus have criticized when employed in countries around the world. Despite objections from the FBI, now the Justice Department is considering spying on domestic religious organizations. And now this measure today that would make it almost impossible for one to challenge an unconstitutional search and would allow the surreptitious opening of some of our mail.

This bill ought not to be considered in this way at this time. Because this bill fails to maintain the appropriate balance between our security and our rights. We need a no vote.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks and include extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for allowing me time.

Mr. Speaker, I would like to tell the story of Yvette Bradley. A 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica, an African American woman. Upon encountering Customs agents, Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one the most humiliating moments of her life. All throughout her body was tapped and private parts were tapped. And, you know what, Mr. Speaker, no drugs or contraband was found.

I happen to be a strong supporter of our Customs agents and the responsibilities that they have. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of this Nation.

To take away, to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. The ability to search mail, more than they have now, is unfair and it is not what the American people want us to do.

This legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It seems simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world.

This bill fails to address the very serious problems of racial profiling and invasions of privacy by our Customs agents. The Customs Service has a poor record on racial profiling. A March 2000 General Accounting Office report found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white females.

Last April, Yvette Bradley, a 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica. Upon encountering Customs agents Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation where she ''experienced one of the most humiliating moments of (her) life.'' According to a subsequent ACLU lawsuit, Bradley was led to a room at the airport and instructed to place her hands on the wall while a Customs officer ran her hands and fingers over every area of her body, including her breasts and the inner and outer labia of her vagina. The search did not reveal any drugs or contraband.

Mr. Speaker, the bill before us today, H.R. 3129, contains a number of problematic provisions that perpetuate these kinds of insidious acts. Most notably, two provisions raise significant constitutional and civil liberties concerns. First, the Good Faith Immunity provision of section 141 provides Customs inspectors immunity from lawsuits stemming from personal searches of people entering the country so long as the officers conduct the searches in ''good faith.'' Importantly, this provision has nothing to do with preventing terrorists from boarding airplanes. Customs officers search passengers when they are exiting the plane, not when they are boarding. Nothing in the provision limits it to terrorist investigations.

The provision was included as a ''procedural'' device to allow civil cases against individual Customs agents to be dismissed in the early stages of litigation. However, it is clear from a plain reading of this provision that the intent is to broaden the standard of immunity allowable under current law. The existing doctrine of qualified immunity protects public officials performing discretionary searches from civil damages if their conduct does not violate statutory or constitutional rights. However, the Supreme Court has repeatedly held that the proper standard of an officer's behavior with respect to liability is objective reasonableness and not subjective ''good faith.''

This provision in H.R. 3129 could weaken protections against racial profiling and other illegal and unconstitutional searches by the Customs Service. Despite the Majority's stated intent, section 141 appears to be a substantive, not a procedural, change and it is thus unclear why the provision is necessary.

Next, the Outbound Mail provision of section 144 would allow Customs investigators broad authority to search mail. With respect to outbound U.S. mail, this would allow broad authority of Customs to search packages for unreported money or other monetary instruments, weapons, and other contraband which could be used by terrorists. With respect to sealed outbound U.S. mail, the bill allows broad authority to Customs to open mail with ''reasonable cause'' to suspect that the mail contains contraband. Under current law, the Customs Service may search, without a warrant, any inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service. This ''border exception'' to the fourth amendment derives from the authority of the government to protect its borders against inbound contraband and to collect duties on inbound freight.

However, the bill would allow Customs officials to open ''sealed'' mail with ''reasonable cause.'' This is a far lower standard than probable cause, and would effectively eliminate the need for judicial review. Furthermore, section 144 would allow Customs officials to open ''unsealed'' mail and any mail bearing a Customs declaration for no cause whatsoever.

Americans have an expectation of privacy in the mail they send to friends, family, or business associates abroad. The Customs Service's interest in confiscating illegal weapons shipments, drugs, or other contraband is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

I urge my colleagues to oppose this bill.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I know people on the other side think that the

private sector ought always to be our model, but they have misapplied it in this case, because the model they have chosen is the Enron Corporation. The Enron Corporation got into trouble for engaging recklessly in trading in a way that violated the rules.

Well, that is what is happening here today. The gentlewoman from Connecticut is right. This is a very important bill, far too important to be debated under a procedure that was created for noncontroversial legislation: 40 minutes of debate and no amendments.

There are several important pieces to this bill. They try to achieve important goals. But some of them are flawed. There is no reason why, we have not been working that hard this week, we could not have had a serious debate on this bill.

Why is this now being rushed through? Because we are following the Enron principle. There is some trading going on here. In this case, what we are trading are votes on the trade bill.

What happened is very simply this: The Republican leadership found itself short of votes for fast track, so what they decided to do was to reach into the goodie-bag, they pull out trade adjustment assistance, which they will grudgingly put forward for a vote, they reach into this bill and rush it forward because it has some payoff for people in the textile industry.

I want to see the textile rules better enforced. I want to see us better protected a lot of ways. But I do not want to see that done by following the Enron model where the importance of trading is so overwhelming that you short circuit the rules and play fast and loose and get yourself in trouble.

It is an absolute degradation of the legislative process for a bill of this importance to be debated under this procedure of suspension of the rules.

We are opposing not the substance, which many of us support in some areas, but this degradation of the legislative process, this refusal to allow honest democratic debate on important subjects, simply because the Republican leadership finds itself a little shorter of votes than it thought for the bill.

I would also say, while we are at it, that people who are tempted by this ought to be clear that they get some guarantees. When people bring up a bill just like this, just before another vote, with no guarantee that it is going to go anywhere, they better be worried about consumer fraud as well as illegitimate trading.

Mr. McDERMOTT. Mr. Speaker, could the Speaker tell me how much time I have remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Washington (Mr. McDERMOTT) has 2 minutes.

Mr. McDERMOTT. I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT).

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

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

Mr. Speaker, as a veteran of every textile battle that has been fought on this floor for the last 20 years, let me warn my colleagues, you are badly mistaken if you think this bill is going to help our beaten and beleaguered industry.

First of all, it purports to put up $9.5 million for additional Customs enforcement. I am not one to look a gift horse in the mouth, I am glad to have $9.5 million, but I am also sensible enough to know that it does not amount to a thing until there is an appropriation. And what bill would provide the appropriation? Treasury-Postal. Long gone. When is there another vehicle coming? Who knows.

Secondly, this bill purports to deal with transshipment. Now, this is a chronic problem. I know it. I have offered legislation in the past to deal with it. If you wanted to get at it, you would get at the biggest offender, China, when the MFN bill came through here.

In any event, this is not the real problem today, because transhipment is mainly about quota evasion, and quotas have grown so liberal and increased every year that we have a $77 billion trade deficit today in textiles and apparel.

In any event, in any event, changing the definition of transshipment and asking for a General Accounting Office report on transshipment is not going to do a doggone thing about the problem until you put up money for additional Customs enforcement agents to do something about it.

My friends, if you want to make sure textiles do not become the sacrificial lamb, the donor industry, in the next round of trade negotiations, if that is what you want to do, we ought to be out here on the floor mandating USTR, no further tariff cuts in textiles, no acceleration of the integration agreement and the abandonment of quotas.

Textiles, believe me, Mr. Speaker, is an industry that is not just hurting, but is hemorrhaging and in desperate need of help, but this bill is deceitful in pretending to help and doing so very little.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) continues to reserve. The gentleman from Washington (Mr. McDERMOTT) has 30 seconds remaining.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, there is an old rule in politics: If you got the votes, shut up. And I guess that is what the chairman is thinking.

But the fact is that the silence on the other side in answer to these constitutional questions, the fact that the chairman of the Committee on the Judiciary never even came out here, no one came out here to rebut a single question of the Constitution, speaks louder than any words you could have spoken in the minutes that you have reserved.

I am sure that when people listen, I guess silence means assent, they agree on the other side that we are right. We are taking away fourth amendment rights, and we are doing it without any hearings.

This is really a sad day for the Constitution on the floor of the House of Representatives.

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

Mr. Speaker, I hope the folks who are listening and watching appreciate that someone who is listening and watching happens to be named Stephen L. Basha. Stephen L. Basha just called and said he could not believe what was occurring on the floor of the House.

Stephen L. Basha just happens to be the Associate Chief Counsel of the Office of Chief Counsel of the U.S. Customs Service. He was the gentleman who was at a hearing. You have heard representations that we have had no hearings. The testimony from the committee will show we had hearings, and one of the principal witnesses was the very same Stephen L. Basha, who indicated that there are hundreds of Customs workers following the law who are, nevertheless, sued. They are sued up to and including their homes being attached. They are put through years of meat-grinder court cases by money-grubbing attorneys looking for cheap settlement, and, after years, they are vindicated.

There is no question that in any situation when you are dealing with sensitive things like trying to make sure that terrorists do not come into this country, that drug dealers do not walk right past honest citizens, that there may be a mistake or two being made.

The key there is in education, to make sure that these very useful profile techniques are constantly improved; that the people who are utilizing these are required to have sensitivity training; that they are required to know clearly the law; and that in the course of the testimony you will find, and I am not allowed to read from it under the Rules of the House, but it is here, a clear understanding and a commitment upon the recommendation of the Democrats that we require the information that is the lawful structure of that profiling to be prominently displayed to make sure that the workers are sensitized.

□ 1115

Now, I have heard several times that this is a power grab by the Committee on Ways and Means; that we are going around the jurisdiction of other committees. Seated just to the right and behind the Speaker is the Parliamentarian. The Parliamentarian is a nonpartisan professional job. Their job is to analyze legislation and determine where it should go based upon the content of the legislation and the jurisdiction of the committees. Had this had an involvement with the Committee on

the Judiciary, under the Rules of the House, the nonpartisan Parliamentarian would have said that the Committee on the Judiciary must be involved, either through primary jurisdiction, through concurrent jurisdiction, or through sequential jurisdiction. None of those jurisdictional provisions were called for. Power grab?

It is interesting that the gentleman from Texas lays upon this small and modest bill what he perceives to be the sins of the Bush administration through the Attorney General to try to protect the American people from further terrorist acts. This bill contains money not only to help in protecting against terrorism, but against drug addiction and against child pornography. If folks believe that this one, small provision requested by Customs to protect Customs officers in the lawful carrying out of their job is just too much for them, then vote against increasing our ability to protect Americans against terrorism, vote against a better, more efficient drug addiction structure, and vote against all of the new technological capabilities in going after those who prey on our youth.

Now, the other thing that really amazes me, but sometimes my threshold for amazement is not as high as it probably should be; the gentlewoman from Texas in her remarks said this bill came out of committee on a party-line vote. Again, if my colleagues will check the records of the committee, she is absolutely, flat out, factually wrong. How can I say that? Because this did not come out of the committee with a vote recorded at all. Not only was it not a party-line vote, there was no vote. The record will show that there was no vote requested by the minority on ordering this bill from the committee to the floor. It was ordered from the committee to the floor on a voice vote. And yet, at the eleventh hour, all of these indignations are surfacing on a provision that was there, requested by the Customs officials, so that the hard-working, frontline soldiers at our border are not unnecessarily harassed in trying to carry out the law and in protecting Americans from drugs, from terrorism, and from child pornography.

So in terms of the criticism that how come it has taken so long to bring this to the floor, which we heard, and then how come we are rushing it through; once again, if we take every side of the argument to stop a piece of legislation, the assumption is we may not necessarily be arguing about what is in the legislation, we just want the world to stop. Because in stopping the world, then the things that need to be done will not go forward and maybe, just maybe, somebody might be fooled into thinking that this would be a reason to vote for one person over another. If that is, in fact, the reason that we are opposing this piece of legislation, that is probably the worst possible reason that anyone could offer.

What this is is a modest Customs reauthorization, and what it does is extend Customs' ability to deal with problems that are manifest, including the failure of the Customs Department to focus on areas that people who are concerned about illegal textiles, like transshipment, need to be focused on. We not only say more agents need to be involved, we say more money ought to be placed on the table. We do both in this bill. Is it enough? Probably not. Is it more than what we are doing now? Yes. Will it be better than yesterday? Yes.

The gentleman from Washington said that we placed a study in the bill; again, he is factually flat out wrong. I said at the beginning that we were removing provisions of the bill. We did not add a study; we removed a provision. So when someone stands up and exhorts all of the problems and arrows of the world that have been inflicted on them by everyone else and says, all of it is manifest in this particular bill, I would ask that they actually take a look at what it is that we are placing before the House of Representatives in this bill. It is Customs reauthorization. It deals with those frontline soldiers who have an extremely difficult job; it provides them with a few more resources; it provides them with a few more technological tools in doing the job that they do, on the whole, very well, and that, hopefully, with this particular piece of legislation, they will be able to do it even better.

Mr. OTTER. Mr. Speaker, I rise today to discuss H.R. 3129, the Customs Border Security Act of 2001. Most of H.R. 3129 is a well-crafted and needed response to the events of September 11. I firmly believe that we need to strengthen the U.S. Customs Service to properly guard against the threats we now face. I particularly support the bill's provision for 285 new customs officers along the Canadian border. I represent a State that borders Canada and have seen the vast increase in traffic along US–95, one of our Nation's NAFTA corridors. Adding more customs officers will help protect Idaho, and the United States, from those who would seek to use the world's longest peaceful border against us.

I also strongly support the provision raising the personal exemption for goods brought back into the United States from $400 to $800. This step will help facilitate the growth of tourism and cut through much useless red tape.

Unfortunately, H.R. 3129 contained provisions that forced me to vote against it. In particular, section 141 establishes so-called ''good-faith'' protection for customs officers who violate the law in the course of carrying out their duties. If enacted into law section 141 would prohibit those affected by such lawbreaking from seeking damages from the guilty parties.

Working men and women are punished every day in Idaho for alleged violations of Federal laws they didn't even know existed. Sadly their ''good-faith'' carries no weight with the enforcement bureaucracies of the Federal Government. The officials who enforce these laws should be held to the same standards. Granting Federal bureaucrats special exemptions from the law is to establish an artificial separation of the government from the governed. Retaining the right to sue government officials for violations of our rights is the best defense imaginable for ensuring that those rights are protected in the first place. I cannot vote to remove this protection from my constituents.

I welcome the announcement by Chairman THOMAS that he will be bringing this bill up under regular order in the near future. I look forward to working with him and Members from both sides of the aisle to improve this bill and improve our Customs Service.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3129, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3008, by the yeas and nays;

H.R. 3129, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

TRADE ADJUSTMENT ASSISTANCE PROGRAM REAUTHORIZATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3008, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3008, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 3, answered ''present'' 1, not voting 9, as follows:

[Roll No. 477]

YEAS—420

Ackerman	Allen	Baca
Aderholt	Andrews	Bachus
Akin	Armey	Baird