

additional spectrum for third-generation wireless and other advanced mobile communications services will not be completed until after the June 19th auction date for the upper 700 MHz band, and long after the applications must be filed to participate in the auction.

It is difficult for wireless carriers to make a sound business decision concerning what options are available for spectrum for third-generation and other advanced mobile communications services until the NTIA/Pentagon report has been released and evaluated.

The Commission is also in the process of determining how to resolve the interference problems that exist in the 800 MHz band, especially for public safety. One option being considered for the 800 MHz band would involve the 700 MHz band. The Commission should not hold the 700 MHz auction before the 800 MHz interference issues are resolved or a tenable plan has been approved.

The 700 MHz band is still occupied by television broadcasters, and will be so until the digital transition is complete. This situation creates a tremendous amount of uncertainty concerning when the spectrum will be available and reduces the value placed on the spectrum by potential bidders. The encumbrance of the 700 MHz band reduces both the amount of money that the auction would be likely to produce and the probability that the spectrum would be purchased by the entities that valued the spectrum the most and would put the spectrum to its most-productive use.

The Commission's rules governing voluntary mechanisms for the vacation of the 700 MHz band by the broadcasters produced no certainty that the band would be available for advanced mobile communications services, public safety operations, and other purposes any earlier than the existing statutory framework provides.

Mr. Speaker, the FCC and the Administration clearly have a lot of work to do with respect to allocating and assigning additional spectrum for advanced mobile communications services and with respect to speeding the transition to digital television. Until more progress is made in these areas, the 700 MHz band auctions should not occur.

Mr. Speaker, I am delighted that 52 Members of the Energy and Commerce Committee are original co-sponsors of this legislation. It demonstrates that an overwhelmingly majority of members of our committee know that holding the auctions in June is the wrong policy decision for the FCC to make. The FCC should use its own authority to delay these auctions. And we are making clear that holding the auctions within the FCC's designated timeframe is contrary to both sound regulatory policy and contrary to the Communications Act.

SITUATION IN THE MIDDLE EAST

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 2002

Mrs. MYRICK. Mr. Speaker, I rise today to speak about the situation in the Middle East that is of grave concern to all of us.

Since September 11th, we have had a taste of normal life in Israel. Americans have experienced the fear, the terrorist alerts, the military

and police presence at airports and public sites and we don't like it. Yet we must have it because we are at war with terrorists just as Israel is at war with terrorists.

We must stand by Israel as they work to eliminate terrorism in their homeland and as we try to do the same thing in the United States. We must stand by Israel as they fight for their very own survival and as we fight for ours.

As President Bush said in his address to Congress, we must root out terrorism worldwide and all those organizations that support it.

It is time we firmly support our Israeli friends in their fight against terrorism. We must join Israel now and continue this fight until the wrath of terrorism is ended.

EMERY FLIGHT 17 (DC-8) NTSB HEARING

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 2002

Mr. SWEENEY. Mr. Speaker, I am very pleased that the National Transportation Safety Board (NTSB) has scheduled a hearing for May 9th regarding Emery flight 17 (DC-8) that crashed in Sacramento on February 16, 2000, killing its entire crew. I strongly urge the NTSB to follow through with the scheduled hearing rather than postponing it as other hearings have been postponed. The Captain of Emery 17 was Kevin P. Stables, 43, of Berlin, New York, the First Officer was George Land, 35, of Placerville, California, and the Flight Engineer was Russell Hicks, 38, of Sparks, Nevada. I look forward to the hearings as part of the ongoing crash investigation to help prevent future air cargo tragedies, encourage government and business accountability, and enhance public confidence in the regulatory oversight of the rapidly expanding air cargo industry.

On February 16, 2000, Emery flight 17, a DC-8, took off from Sacramento en route to Dayton. Two minutes later, the massive jet plowed into a salvage yard. National network news provided live broadcasts of the fiery aftermath. The pictures were telling—none of the crewmembers escaped alive.

Mr. Speaker, an exam of the wreckage found indications that part of the DC-8's mechanical flight controls may not have been connected prior to the flight. Key flight control components of that particular airplane had been overhauled by a Federal Aviation Administration-approved repair station three months before the crash. In August 2001, the Federal Aviation Administration (FAA) finally "grounded" Emery and cited safety concerns that included "mechanical irregularities" and "operating unairworthy aircraft."

Mr. Speaker, Emery 17 is not the only DC-8 cargo jet in recent years to wipe out its entire aircrew shortly after takeoff. Thirty months earlier in Miami, Fine Air flight 101 slammed into the ground, burst into flames, and killed five people. The probable cause finding included the "failure of the FAA to ensure that known cargo-related deficiencies were corrected." Many believe the FAA's failure to provide adequate oversight and its failure to enforce Federal Aviation Regulations are direct causes of the Emery tragedy.

Almost immediately after Emery 17 crashed, safety groups and families of the crews pushed hard for public hearings on the Emery accident and the NTSB announced that official hearings would take place and would center on contract maintenance and oversight by "airline and FAA personnel." Mr. Speaker, these were the identical issues for which the NTSB criticized the FAA in the aftermath of ValuJet's 1996 crash.

Emery's own aircrews warned the FAA in the months leading up to Emery flight 17's crash. In a 1998 letter to the FAA, Capt. Tom Rachford, speaking for the Emery pilots' union, wrote, "Our maintenance has dramatically fallen off. . . . I can't say it any clearer: This airline is going to put a hole in the ground and kill someone. Please don't let this fall upon deaf ears." Later, five months before the fatal crash, the Emery pilots' group expressed their concern yet again with FAA leadership. They wrote: "EWA is out of the regulator's eye. . . . Why are the authorities continuing to turn a blind eye? The lower echelon of the regulatory agencies have substantiated our concerns. . . . However, it is the upper echelon that appears to be dragging its feet. . . . If we have an accident in the near future, the subsequent investigation will show sainthood on the part of ValuJet when compared to Emery Worldwide Airlines. . . . Emery crews are living on borrowed time."

Mr. Speaker, it's been two long years since Emery 17 crashed. The rapidly expanding air cargo industry is still waiting for the overdue hearings. The air cargo industry is the fastest-growing segment of the commercial airline industry. Many government and industry experts consider oversight of third-party maintenance stations inadequate. The NTSB has never before convened public hearings on an air-cargo-only accident. I am pleased the board is sticking to its earlier decision and promise to convene the Emery hearings. To many, this suggests a turning point and an indication that relaxed oversight and maintenance, and unsafe operational practices will no longer be ignored. I look forward to expedient and thorough public hearings.

The U.S. government must not wait for another massive air cargo disaster to force the NTSB into action. This is a race against time: The NTSB must convene the public hearings on Emery 17 before another air cargo blunder kills yet again.

POSTHUMOUS HONORARY U.S. CITIZENSHIP FOR ANDREI DMITRIEVICH SAKHAROV

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 2002

Mr. SMITH of New Jersey. Mr. Speaker, it is with great pleasure and a deep sense of solemnity that I introduce, along with Mr. Frank of Massachusetts, a resolution to bestow honorary citizenship posthumously upon a man whose contribution to world peace and the struggle for human rights inspired, and continues to inspire, his own generation and those who have followed him. That man is the late Dr. Andrei Dmitrievich Sakharov, renowned physicist, humanitarian, and winner of the Nobel Peace Prize.