should begin by thanking the leadership of the House and my own leadership for the way they have accommodated me in bringing this bill forward quickly. I especially thank the chairman of our subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for so readily agreeing to manage this bill and bring it forward, because it comes forward under rather special and unusual circumstances.

The judge for whom this courthouse is to be named would by any standard be regarded as a historic figure in the Federal judiciary and in the judiciary of this city. H.R. 4294, a bill to name the annex of the E. Barrett Prettyman Federal Building, which houses the United States District Court for the District of Columbia for William B. Bryant, is what is before us. Judge Bryant is a former chief judge of the District Court, the first African American to hold the post, a longtime D.C. resident and graduate of the D.C. public schools with a distinguished legal career, who currently serves as a senior judge. The annex is under construction at Constitution and Pennsylvania Avenues Northwest and when completed early next year will provide much-needed state-of-the-art courtrooms and judges' chambers.

H.R. 4294 has an unusual origin. The chief judge of the United States District Court for the District of Columbia, for himself and the members of the trial court, visited my office to request that the annex under construction for the E. Barrett Prettyman Federal Building be named for senior U.S. District Court judge William B. Bryant. Judge Bryant was unaware of the desires and actions of his colleagues who unanimously agreed to request that the annex be named for the judge.

It is rare that Congress names a courthouse or an annex for a judge who has served in that court and even more rare for a judge who is still sitting. Judge Bryant's colleagues, who know his work and his temperament best, have found a particularly appropriate way for our city and our country to celebrate the life and accomplishments of a great judge who has had an historic impact on the law and on his court. I know Judge Bryant personally. I know his reputation in this city and in the law. And I know that the request to name the annex for Judge Bryant reflects deep respect for his unusually distinguished life at the bar.

Judge Bryant began his career in private practice in the segregated Washington of the 1940s and 1950s when African American lawyers were barred from membership in the District of Columbia Bar Association and from using the bar law library. He established his legal reputation as a partner in the legendary African American law firm of Houston, Bryant & Gardner and taught at Howard University law school.

His reputation as an extraordinary trial lawyer led to his appointment as the first African American assistant U.S. Attorney for the District of Columbia. He rose to become the first African American to serve as chief judge of the U.S. District Court whose members now ask that the annex be named for Judge Bryant.

For his representation of criminal defendants in private practice, Judge Bryant was admired as one of the city's best and most respected litigators. Among his many notable cases is the landmark Mallory v. United States where the Supreme Court ruled that an arrested person must be promptly brought before a judicial officer.

Judge Bryant graduated from the D.C. public schools, Howard University, and the Howard University School of Law where he was first in his class. After graduation, Judge Bryant served as chief research assistant to Dr. Ralph Bunche when Dr. Bunche worked with Gunnar Myrdal, the famous Swedish economist, in his studies of American racial issues. Judge Bryant served in the United States Army during World War II and was honorably discharged as a lieutenant colonel in 1947.

Judge Bryant, who is 92, took senior status in 1982. He raised a family, but as Chief Judge Thomas Hogan wrote, ''lost his beloved wife, Astaire, and now lives alone, with this court and the law as the center of his life.''

I am grateful to our judges of the United States District Court here for the thoughtful proposal that the annex to their court be named for Judge William B. Bryant. The residents of this city that Judge Bryant has served so well, the judges of the United States District Court for the District of Columbia, and the members of the bar here would be particularly pleased. I am delighted that Senator Patrick Leahy, ranking member of the Senate Judiciary Committee, has sponsored the bill in the Senate; and I urge quick approval to give honor to one of the great judges of our court.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4294, a bill to designate the annex to the Prettyman Courthouse in Washington, D.C., as the Judge William B. Bryant Annex. I thank Chairmen YOUNG and LATOURETTE for their graciousness and support in moving this bill to the Floor in such an expeditious manner.

Judge Bryant, who is 92 years old, is an icon in District legal circles. He practiced law in the 1940s and 1950s when the city was segregated. He could not join the D.C. Bar Association or use its facilities. Yet, he has achieved great stature as a trial lawyer and enjoys an enviable reputation.

Judge Bryant is a lifelong D.C. resident who attended public schools and Howard Law School, where he graduated first in his class. He began his legal career in private practice in the District with the legendary African American law firm of Houston, Bryant, and Gardner. In 1965, he was nominated by President Johnson to the Federal bench and was confirmed by the U.S. Senate in August of that year. Judge Bryant is the first African American to hold the post of Chief Judge.

During his long, productive legal career Judge Bryant also served as the first African American Assistant U.S. Attorney for the District, and has taught at Howard Law School. He is also a World War II veteran, serving in the Army from 1943 until 1947.

The judges of the U.S. District Court in the District of Columbia unanimously agreed to name the annex in honor of Judge Bryant and approached Congresswoman NORTON for her help.

Judge Bryant's civil career is extraordinary. He is a role model, a mentor, a loyal friend and advisor. It is fitting and just that Judge William Bryant be honored with this designation.

I support H.R. 4294 and urge its passage.

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

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4294, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the 'William B. Bryant Annex' ''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 647, H.R. 3884 and H.R. 4294, the matters that we have just been discussing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMERCIAL AVIATION MANPADS DEFENSE ACT OF 2004

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4056) to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADSs) to commercial aviation, as amended.

The Clerk read as follows:

H.R. 4056

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 ''Commercial Aviation MANPADS Defense Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) MANPADSs constitute a threat to military and civilian aircraft.

(2) The threat posed by MANPADSs requires the development of both short-term and long-term plans.

(3) The threat posed by MANPADSs requires an international as well as domestic response.

(4) There should be an international effort to address the issues of MANPADSs proliferation and defense.

(5) The Government is pursuing and should continue to pursue diplomatic efforts to prevent the proliferation of MANPADSs.

SEC. 3. UNITED STATES POLICY ON NONPROLIFERATION AND EXPORT CONTROL.

(a) TO LIMIT AVAILABILITY AND TRANSFER OF MANPADS.—The President shall pursue, on an urgent basis, further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to limit the availability, transfer, and proliferation of MANPADSs worldwide.

(b) TO LIMIT THE PROLIFERATION OF MANPADS.—The President is encouraged to seek to enter into agreements with the governments of foreign countries that, at a minimum, would—

(1) prohibit the entry into force of a MANPADS manufacturing license agreement and MANPADS co-production agreement, other than the entry into force of a manufacturing license or co-production agreement with a country that is party to such an agreement;

(2) prohibit, except pursuant to transfers between governments, the export of a MANPADS, including any component, part, accessory, or attachment thereof, without an individual validated license; and

(3) prohibit the re-export or retransfer of a MANPADS, including any component, part, accessory, or attachment thereof, to a third person, organization, or government unless the written consent of the government that approved the original export or transfer is first obtained.

(c) TO ACHIEVE DESTRUCTION OF MANPADS.—The President should continue to pursue further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to assure the destruction of excess, obsolete, and illicit stocks of MANPADSs worldwide.

(d) REPORTING AND BRIEFING REQUIREMENT.—

(1) PRESIDENT'S REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of diplomatic efforts under subsections (a), (b), and (c) and of efforts by the appropriate United States agencies to comply with the recommendations of the General Accounting Office set forth in its report GAO-04-519, entitled ''Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems''.

(2) ANNUAL BRIEFINGS.—Annually after the date of submission of the report under paragraph (1) and until completion of the diplomatic and compliance efforts referred to in paragraph (1), the Secretary of State shall brief the appropriate congressional committees on the status of such efforts.

SEC. 4. FAA AIRWORTHINESS CERTIFICATION OF MISSILE DEFENSE SYSTEMS FOR COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—As soon as practicable, but not later than, the date of completion of Phase II of the Department of Homeland Security's counter-man-portable air defense system (MANPADS) development and demonstration program, the Administrator of the Federal Aviation Administration shall establish a process for conducting airworthiness and safety certification of missile defense systems for commercial aircraft certified as effective and functional by the Department of Homeland Security. The process shall require a certification by the Administrator that such systems can be safely integrated into aircraft systems and ensure airworthiness and aircraft system integrity.

(b) CERTIFICATION ACCEPTANCE.—Under the process, the Administrator shall accept the certification of the Department of Homeland Security that a missile defense system is effective and functional to defend commercial aircraft against MANPADSs.

(c) EXPEDITIOUS CERTIFICATION.—Under the process, the Administrator shall expedite the airworthiness and safety certification of missile defense systems for commercial aircraft certified by the Department of Homeland Security.

(d) REPORTS.—Not later than 90 days after the first airworthiness and safety certification for a missile defense system for commercial aircraft is issued by the Administrator, and annually thereafter until December 31, 2008, the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains a detailed description of each airworthiness and safety certification issued for a missile defense system for commercial aircraft.

SEC. 5. PROGRAMS TO REDUCE MANPADS.

(a) IN GENERAL.—The President is encouraged to pursue strong programs to reduce the number of MANPADSs worldwide so that fewer MANPADSs will be available for trade, proliferation, and sale.

(b) REPORTING AND BRIEFING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of the programs being pursued under subsection (a). Annually thereafter until the programs are no longer needed, the Secretary of State shall brief the appropriate congressional committees on the status of programs.

(c) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. MANPADS VULNERABILITY ASSESSMENTS REPORT.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Department of Homeland Security's plans to secure airports and the aircraft arriving and departing from airports against MANPADSs attacks.

(b) MATTERS TO BE ADDRESSED.—The Secretary's report shall address, at a minimum, the following:

(1) The status of the Department's efforts to conduct MANPADSs vulnerability assessments at United States airports at which the Department is conducting assessments.

(2) How intelligence is shared between the United States intelligence agencies and Federal, State, and local law enforcement to address the MANPADS threat and potential ways to improve such intelligence sharing.

(3) Contingency plans that the Department has developed in the event that it receives intelligence indicating a high threat of a MANPADS attack on aircraft at or near United States airports.

(4) The feasibility and effectiveness of implementing public education and neighborhood watch programs in areas surrounding United States airports in cases in which intelligence reports indicate there is a high risk of MANPADS attacks on aircraft.

(5) Any other issues that the Secretary deems relevant.

(c) FORMAT.—The report required by this section may be submitted in a classified format.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) MANPADS.—The term ''MANPADS'' means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

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

Mr. Speaker, I rise in support of H.R. 4056, which is entitled the Commercial Aviation MANPADS Defense Act. Again, MANPADS stands for man-portable air defense systems. It is also an acronym for shoulder-launched missiles.

There are two significant threats to commercial aviation today: first of all, there is the threat of explosives carried on board a civil aviation aircraft; and then there is the second significant threat which is shoulder-fired missiles. The legislation before us tonight addresses one of those issues, the growing terrorist MANPADS threat. It addresses four different problems that we face with this threat.

First of all, most of the Members may be aware that the administration has launched, with Congress' urging, an extensive research and development program, and that program has been expedited to develop a shoulder-launched missile defensive system to put on our commercial aircraft.

But the number one problem that we face even if we finish the research and development of that system today, the defensive system, is putting that system on an aircraft and getting it certified. So the first front and first problem that this bill addresses is an expedited FAA certification of an anti-missile system that is currently being developed. The second part of this comprehensive piece of legislation deals with increasing multinational treaties and agreements to stem MANPADS and shoulder-launched missile proliferation.

We know and we have been told even with the conflict in the Middle East that there are a great number of

MANPADS available on the world market. We must do everything possible to stop the proliferation of them, and this encourages multinational treaties and agreements.

And, third, encouraging MANPADS market acquisition. This is a buy-back program. This legislation also requests the administration and those involved in buy-back programs to continue and expand those programs. And then the fourth part about this is that we know that these defensive systems that we can put on aircraft are a good step forward, we know that multilateral agreements and cooperation will bring MANPADS out of the market and we know that the buy-back program will work, but we still are at risk and we know that these systems even when fully developed do not cover us for all types of attack and the fourth part of this legislation promotes ground-based systems. So we look at another protective layer in the threat that we face.

While it may be difficult to attack domestic aviation in light of the current security measures that we have put in place, the availability of MANPADS weapons of terror is still a great cause for concern. This has been demonstrated repeatedly, most recently by the November 2002 attack in Kenya, by the 2003 attack on the DHL plane in Baghdad, and also most recently in August of 2003 by the arrest in New York City of three men accused in a plot to smuggle shoulder-fired missiles into the United States.

Last year at the direction of Congress, DHS began an aggressive research and development program to assess the viability of an antimissile technology for use in commercial aviation passenger aircraft. The administration's current $100 million research and development program and efforts to work through issues unique to our commercial aviation system and our commercial aircraft, I am pleased, are making very significant progress. We expect to have a recommendation on the viability, feasibility, and costs associated with these systems sometime next year. After that, these systems will need to be expeditiously FAA-certified for installation on our commercial aircraft.

It is also necessary, I have said, that we keep these destructive weapons out of the hands of terrorists. Other alternatives to protect our airlines and our airports must also be explored. That is why I, along with the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from New York (Mr. ISRAEL), introduced H.R. 4056. This bill now is an interim solution and an interim measure addressing, again, problems that we face with this threat. It encourages continued actions to reduce the number of these weapons that are available to those who would do us harm.

We have worked closely with the Committee on International Relations and the gentleman from Illinois (Chairman HYDE) to strengthen and clarify the provisions in the legislation dealing with international cooperative efforts. This bill makes clear that the administration must take additional steps to reduce the security risks created by shoulder-launched missile systems. It also encourages strong international diplomatic and cooperative efforts to limit the proliferation of these MANPADS as well as the continuation of our programs, as I have said, that would help us reduce the number of shoulder-launched missiles worldwide. The bill also requires the FAA to expedite their airworthiness certification of the missile defense systems for our commercial aircraft.

Finally, H.R. 4056 requires the Department of Homeland Security to report back to Congress within a year on the vulnerability assessment reports they are conducting at our airports throughout the United States and on how they are responding to the General Accounting Office's recommendations to prevent the proliferation of MANPADS.

I want to take this opportunity to thank the gentleman from Oregon (Mr. DEFAZIO) and also the gentleman from New York (Mr. ISRAEL) for their hard work on this bill. I also want to thank Transportation and Infrastructure Chairman DON YOUNG and International Relations Chairman HENRY HYDE for their cooperation and work.

This measure takes several important steps in dealing with the MANPADS terrorist threat. It is a good bill, it is a bipartisan bill; and therefore I urge passage and adoption of H.R. 4056, as amended.

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

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

I thank the gentleman from Florida for his leadership on this issue. He has raised this issue persistently, both in closed and open settings, with any and all officials who might be able to help us begin to deal more effectively with this growing threat.

□ 1830

I also want to thank the gentleman from New York, whom we will hear from in just a few moments, for his leadership and persistence on this issue.

Many Americans are not particularly aware of this threat. We are talking about a threat that can be transported in something not much bigger than a golf bag, and in fact, some of the earlier versions of this weapon are available on the black market for not much more than a cheap set of golf clubs, not even a stand-up set of Calloways, but much less expensive clubs. So the proliferation, the availability, the portability, the concealability of these weapons is a major threat.

We go on from there to the fact that they have been utilized more times than many would know. Over the last 25 years, it is estimated there have been, as mentioned, as many as 35 attempts to shoot down civilian aircraft resulting in the loss of 24 aircraft and 500 deaths, something again little known to most Americans and members of the flying public worldwide.

Last November, a DHL Airbus A300 was severely damaged over Baghdad, actually losing hydraulics and flight controls after being hit by a missile. Having visited Iraq, where I was flown in on a propeller plane because they have less of a heat signature than a jet and having done the spiral-down over Baghdad, and that is an experience that all of our troops who have not come in by land have had in being deployed to Baghdad, one realizes the magnitude of this threat.

The war has unleashed hundreds more of these missiles onto the black market in Iraq and the Middle East. Our friends, the Chinese, are counterfeiting some of the most effective and efficient versions of this missile produced by the Russians and the United States of America. As they are so good at counterfeiting, the Chinese have counterfeited them, and as usual, they are proliferating them into very uncontrolled and potentially problematic markets to clients who might use these in ways that are inimical to commercial aviation worldwide.

So there is a real and growing threat. There is no simple solution. The technology that is being utilized by the military can be quite effective. It is not technology that is immediately transferrable to civilian aircraft, and the chairman has tried to deal with that in two different ways: one, with the development and testing of defensive systems; the other with the mandate that when systems do become available and viable that the FAA not take its usual 3 to 5 years to certify them, but in fact, that these be expedited on a basis far quicker than most technologies are certified by the FAA so they could become available to commercial aviation.

The chairman has already raised the issue of buy-backs, particularly for the older versions of these missiles, not the new Chinese counterfeits, but the others. They could be bought for very little on the market, and that would be a wise way to begin to deal with the proliferation.

International agreements, like other agreements, land mines, which unfortunately neither the Clinton administration nor the Bush administration has been willing to sign onto, but modeled on other international agreements, we could begin to rein in the proliferation of these weapons and their availability. Perhaps we could even get the attention of the Chinese for once, so that they would not be proliferating them.

The other issue, as I said earlier, is that we need to continue to research new measures. This is not the only threat to civilian aviation, which both the chairman and I recognize. We are very worried about the threat of explosives that are carried or smuggled on

board airplanes, and there is much more that needs to be done there, which we have covered in a number of hearings and it is not appropriate to go into at this point in time. But this is yet another part of the threat which cannot be ignored.

I, again, appreciate the chairman's leadership on this issue.

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

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

Mr. DEFAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL), who has been a leader on this issue; and it was his efforts, in good part, that have led us here this evening.

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

And let me thank both the chairman and the ranking member for their extraordinary bipartisan leadership on this issue. It was an honor to work with both of them as an original cosponsor of this vital homeland security and national security measure. I am very proud to stand with them tonight in support of this legislation to protect America's flying public from the very real threat of shoulder-fired missiles.

Mr. Speaker, I have said in the past that the proliferation of shoulder-fired missiles is so great and the risk is so high that we have to go on offense and defense at the same time. And that is exactly what this measure does.

Intelligence officials have published estimates that there are roughly 500,000 portable shoulder-fired missiles available worldwide in the hands of 27 separate terrorist organizations, including al Qaeda. And as we have heard before, shoulder-fired missiles have already been used to shoot down commercial aircraft outside of the United States. Reports from the CIA, the State Department, and other government agencies indicate that shoulder-fired missiles have hit at least dozens of civilian aircraft since the 1970s and killed hundreds of people.

I have heard on other occasions that it is better to attack terrorists there than here. And if we agree with that argument on the global war on terror, then certainly it should apply to how we approach the tools of terror, shoulder-fired missiles. In fact, when it comes to shoulder-fired missiles, we have to reduce the threat in both places and reduce that threat expeditiously.

Here, it is essential that we accelerate our efforts to equip our planes with antimissile countermeasures, and that is why this bill includes provisions asking the FAA to accelerate the process for certifying defensive systems to protect against the terrorists of shoulder-fired missiles.

And elsewhere in the world, we have to aggressively pursue the implementation of international treaties to control the proliferation of shoulder-fired missiles. Ultimately, this is a supply-and-demand issue, and American travelers will not be safe until we control both the supply and the demand.

Just recently, the GAO reported that the United States needs to do more work within multilateral forums to establish mechanisms for assessing foreign governments' implementation of their commitments to reduce the proliferation of shoulder-fired missiles. According to that report, the State Department has led U.S. efforts to obtain commitments from member countries, the Group of Eight, the Asian Pacific Economic Cooperation summit, and others to strengthen export controls and security of MANPADS, but compliance with those commitments is entirely voluntary, and the forums lack mechanisms to verify that members implement those very commitments.

This legislation requires the President to report on efforts to comply with recommendations contained in the GAO report on nonproliferation. It also encourages the President to pursue strong international diplomatic and cooperative efforts, including multilateral and bilateral treaties, to limit the availability, transfer, and proliferation of shoulder-fired missiles, to seek the destruction of excess, obsolete, and illicit shoulder-fired missiles; and it also expedites that FAA certification process for our planes here at home.

Mr. Speaker, we cannot afford to wait until the day after a catastrophe to begin to act, and that is why passage of this bill tonight is so welcomed and so important.

Once again, I want to applaud the efforts of the gentleman from Florida (Chairman MICA) and the gentleman from Oregon (Mr. DEFAZIO), the ranking member, for their leadership on this issue. I want to thank them for including me in this issue. I want to thank the House Committee on International Relations for their work, and I urge all of our colleagues to support this vitally important homeland security measure.

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

Mr. DEFAZIO. Mr. Speaker, I urge the House to adopt this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

To close here, Mr. Speaker, first of all, I want to thank both the gentleman from New York (Mr. ISRAEL) and the gentleman from Oregon (Mr. DEFAZIO) for their work. This is not a partisan issue. This is an issue in the best interest of this Nation.

We have done things to make the traveling public who use aviation, which is so important to the economy of this Nation, safe. We have secured cockpit doors. We have air marshals on board. We have trained pilots to arm and defend their aircraft.

So we have taken measures, and I think even passengers who fly would never knowingly allow an aircraft to be overtaken. So the threat is not that type of threat that we faced September 11, and we know terrorists are always looking one step ahead to do damage to us. So this is an important complement to what the administration has done.

We have a $160 million research and development program to expedite producing defensive systems that can be used on commercial aircraft, and that is important. It gives us one more means of defense against a great terrorist threat.

Will we be able to put these on every aircraft? No. Are we able to put an air marshal on every aircraft? No. Does this cost us money? Yes, it is going to cost us money. But stop to think of the cost of one commercial airline being blown out of the sky by a shoulder-launched missile.

Eleven percent of our gross domestic product, the entire economy of this country, is really directly related and indirectly related to our aviation industry, jobs by the millions. And since September 11, we hear 3 million jobs. I guarantee that we could find 1½ to 2 million jobs that were lost just in aviation by the loss of four commercial aircraft.

So we have lessons to learn, and I have brought to the floor, in closing, the Kenya missile attack in November of 2002 in Mombasa. Not one, but two shoulder-launched missiles were launched on that date against an Israeli commercial charter aircraft; and this was also timed with a ground attack where people were killed, but hundreds would have perished had they been successful here. This is in Kenya on another continent.

However, even more recently, this is a DHL commercial airliner that left Baghdad in November, 2003, and was hit. So far, we have been lucky. So far, we have been fortunate. This aircraft also survived this terrorist attack. But we know there are more of these shoulder-launched missiles available on the open market than ever before.

So the provision of the gentleman from New York (Mr. ISRAEL) helps in getting international cooperation.

And again I thank the gentleman from Oregon (Mr. DEFAZIO) for putting a broad-based measure together that will fill in the gaps to provide us one more layer of protection against a potential terrorist attack.

Mr. Speaker, I insert in the RECORD at this point an exchange of letters between the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Transportation and Infrastructure, and the gentleman from Illinois (Chairman HYDE) regarding H.R. 4056.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, June 21, 2004.

Hon. DON YOUNG,

Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 4056, the "Commercial Aviation

MANPADS Defense Act of 2004,'' as ordered reported from the Committee on Transportation and Infrastructure on May 12, 2004. The Committee on International Relations has jurisdiction under Rule X over certain provisions of this bill contained in Section 3, International Cooperative Efforts and Section 5, Programs to Reduce MANPADS.

Recognizing your wish that the House of Representatives consider this critical bill as soon as possible, and noting the continued strong spirit of cooperation between our Committees, I will forego seeking a sequential referral of H.R. 4056 for the Committee on International Relations. However, waiving the Committee on International Relations' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 4056 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on International Relations represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Congressional Record during the debate on this bill.

I appreciate your leadership and cooperation on this bill, and I look forward to working with you to ensure that H.R. 4056 is enacted into law soon.

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 23, 2004.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 21, 2004, regarding H.R. 4056, the ''Commercial Aviation MANPADS Defense Act of 2004'', and for your willingness to waive consideration of the provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 4056 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 4056 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Record when the bill is considered in the House.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 4056, the Commercial Aviation MANPADs Defense Act (CAMDA).

Shoulder-fired missiles pose a serious threat to commercial aviation. Al Qaeda, through its actions, has clearly expressed the desire to strike at commercial aircraft with man-portable air defense systems, or MANPADs, and has trained its members to use them. Moreover, there is some evidence suggesting possible Al Qaeda links to two recent incidents involving MANPADs:

In May 2002, a Saudi security patrol found a spent SA–7 tube inside a security fence at Prince Sultan Airbase;

In November 2002, two shoulder-fired missiles were launched against a chartered Israeli Boeing 757–300 departing Kenya.

MANPADs have proliferated into the hands of terrorists and insurgents. In fact, the number of MANPADs that cannot be accounted for—has greatly increased over the last year due largely to our war with Iraq.

We also know that commercial aircraft are vulnerable. It has been estimated that over the last 25 years there have been as many as 35 attempts to shoot down civilian aircraft, resulting in the loss of 24 aircraft and 500 deaths. There is evidence to suggest that, in at least a few instances, multengine jets have been destroyed by MANPADs. And just last November, a DHL Airbus A–300 was severely damaged over Baghdad—actually losing hydraulics and flight controls—after being hit by a shoulder-fired missile.

The bill now before us was introduced by Aviation Subcommittee Chairman MICA, Ranking Member DEFAZIO and Mr. ISRAEL.

The bill would require the President to pursue strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, that would limit the transfer and proliferation as well as encourage the destruction of MANPADs. This provision was inspired largely by our colleague from New York, Mr. ISRAEL. Based on suggestions by our colleagues on the International Relations Committee, the bill has been amended to provide greater detail on the types of international cooperative and diplomatic measures the President should pursue.

The Department of Homeland Security (DHS) is currently involved in a $120 million research effort to develop airborne antimissile defense countermeasures for commercial aircraft. CAMDA will expedite the Federal Aviation Administration (FAA) airworthiness and safety certification process for these cuontermeasure systems.

CAMDA also encourages the President to pursue programs to reduce the number of MANPADs worldwide.

Additionally, CAMDA requires the DHS to report to the House Transportation and Infrastructure Committee and the Senate Commerce Committee on the status of MANPAD vulnerability assessments that it is conducting at U.S. airports. The DHS will also report on any contingency plans that have been developed in the event that we receive indications that there is a high threat of a MANPAD attack.

I thank Chairman MICA, Ranking Member DEFAZIO, and Mr. ISRAEL for their strong leadership on this issue, and I urge my colleagues to support this legislation.

Mr. BURGESS. Mr. Speaker, I rise today in strong support of H.R. 4065, The Man-Portable Surface-to-Air Missiles Defense Act.

In response to the September 11, 2001, attacks, Congress passed the Aviation and Transportation Security Act (ATSA) to ensure the safety of airline passengers.

This legislation expanded the federal air marshal program, required that all cockpit doors be strengthened, armed pilots, increased screening of passengers and required increased screening of passenger baggage using explosive detection systems.

Congressional efforts have, in large part, focused on in-flight safety and airport security, but an important vulnerability still exists. Commercial airliners are vulnerable to attacks from man-portable surface-to-air missiles during each takeoff and landing.

Man-portable surface-to-air missiles are unfortunately accessible and relatively inexpensive; on the black market, the systems can be purchased for less than $100,000. Thousands of man-portable surface-to-air missiles exist around the world, many in the hands of guerrilla and terrorist groups. These groups have already demonstrated their intent to use man-portable surface-to-air missiles on civilian aircraft on more than one occasion.

The Dallas-Fort Worth Airport, which is the sixth largest airport in the country, is located in my congressional district. Millions of airline passengers travel through DFW airport each year, and I am concerned about this vulnerability.

That is why I am a proud cosponsor of Chairman MICA's Commercial Aviation Man Portable Surface-to-Air Missiles Defense Act of 2004.

This legislation will help to protect airline passengers and crew from the man-portable surface-to-air missiles threat. H.R. 4065 requires the FAA to expedite airworthiness certification of the missile defense systems for commercial aircraft.

Additionally, it requires that the Department of Homeland Security report to Congress about the vulnerability assessment reports they are conducting at U.S. airports. DHS is also directed to report any recommendations that are issued regarding ground-based defense policies or procedures.

The Man-Portable Surface-to-Air Missiles Defense Act urges the President to continue working with our international diplomatic partners to reduce or eliminate the availability of man-portable surface-to-air missiles worldwide.

Again, I would like to reiterate my support for the Man-Portable Surface-to-Air Missiles Defense Act and urge my colleagues to support this important legislation.

Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 4056, which urges the President, the Federal Aviation Administration, and the Department of Homeland Security to move forward with the protection of commercial aircraft from MANPADS attacks. I want to commend my colleague from Florida for introducing this critical legislation that not only protects commercial aircraft here in the United States but also takes an aggressive step to encourage the rest of the world to increase their own safety measures concerning air travel.

It is imperative that we in Congress realize that heat-seeking infrared surface-to-air missiles currently held by terrorist organizations pose an imminent threat to commercial aircraft. The terrorist use of MANPADS has resulted in the deaths of more than 350 innocent people. When in possession of those intending to inflict harm, MANPADS are extremely effective and extremely dangerous. An estimated 27 terrorist organizations are known to have heat-seeking missiles, and over 500,000 produced worldwide can easily be purchased on the black market for $25,000 to $50,000.

Last year, I worked with the Appropriations Subcommittee on Homeland Security to secure funds for this crucial program to be applied on commercial aircraft. Chairman ROGERS generously provided $60 million for fiscal year 2004 and has added funds again in this year's Homeland Security appropriations bill. There are MANPADS defense systems in development right now across the country including a facility in Rolling Meadows, IL, which is in my district. This system is already being used and has been proven to be effective on

our C–17 military aircraft. In order to protect our larger military aircraft, the Department of Defense has already spent close to $1 billion developing and deploying systems that defeat this threat on numerous large body aircraft.

The Commercial Aviation MANPADS Defense Act of 2004 takes the next step in the process of ensuring that every commercial aircraft is equipped with these antimissile devices. The bill readies our airports for the implementation of these defense systems and goes even further in the defense against MANPADS attacks by establishing programs to reduce the number of MANPADS worldwide so that fewer of these missiles will be available for trade and sale.

Once again I would like to commend Representative MICA for introducing this legislation and urge my colleagues to vote in favor of the bill.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4056, 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. MICA. 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.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1845

NORTH KOREAN HUMAN RIGHTS ACT OF 2004

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4011) to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4011

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 ''North Korean Human Rights Act of 2004''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Definitions.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

Sec. 101. Sense of Congress regarding negotiations with North Korea.
Sec. 102. Support for human rights and democracy programs.
Sec. 103. Radio broadcasting to North Korea.
Sec. 104. Actions to promote freedom of information.
Sec. 105. United Nations Commission on Human Rights.

TITLE II—ASSISTING NORTH KOREANS IN NEED

Sec. 201. Report on United States humanitarian assistance.
Sec. 202. Assistance provided inside North Korea.
Sec. 203. Assistance provided outside of North Korea.

TITLE III—PROTECTING NORTH KOREAN REFUGEES

Sec. 301. United States policy toward refugees and defectors.
Sec. 302. Eligibility for refugee or asylum consideration.
Sec. 303. Facilitating submission of applications for admission as a refugee.
Sec. 304. United Nations High Commissioner for Refugees.
Sec. 305. Annual reports.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State, the Government of North Korea is ''a dictatorship under the absolute rule of Kim Jong Il'' that continues to commit numerous, serious human rights abuses.

(2) The Government of North Korea attempts to control all information, artistic expression, academic works, and media activity inside North Korea and strictly curtails freedom of speech and access to foreign broadcasts.

(3) The Government of North Korea subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung that approaches the level of a state religion.

(4) The Government of North Korea divides its population into categories, based on perceived loyalty to the leadership, which determines access to food, employment, higher education, place of residence, medical facilities, and other resources.

(5) According to the Department of State, ''[t]he [North Korean] Penal Code is [d]raconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter''.

(6) The Government of North Korea executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and schoolchildren.

(7) The Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure.

(8) According to eyewitness testimony provided to the United States Congress by North Korean camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons.

(9) According to credible reports, including eyewitness testimony provided to the United States Congress, North Korean Government officials prohibit live births in prison camps, and forced abortion and the killing of newborn babies are standard prison practices.

(10) According to the Department of State, ''[g]enuine religious freedom does not exist in North Korea'' and, according to the United States Commission on International Religious Freedom, ''[t]he North Korean state severely represses public and private religious activities'' with penalties that reportedly include arrest, imprisonment, torture, and sometimes execution.

(11) More than 2,000,000 North Koreans are estimated to have died of starvation since the early 1990s because of the failure of the centralized agricultural and public distribution systems operated by the Government of North Korea.

(12) According to a 2002 United Nations-European Union survey, nearly one out of every ten children in North Korea suffers from acute malnutrition and four out of every ten children in North Korea are chronically malnourished.

(13) Since 1995, the United States has provided more than 2,000,000 tons of humanitarian food assistance to the people of North Korea, primarily through the World Food Program.

(14) Although United States food assistance has undoubtedly saved many North Korean lives and there have been minor improvements in transparency relating to the distribution of such assistance in North Korea, the Government of North Korea continues to deny the World Food Program forms of access necessary to properly monitor the delivery of food aid, including the ability to conduct random site visits, the use of native Korean-speaking employees, and travel access throughout North Korea.

(15) The risk of starvation, the threat of persecution, and the lack of freedom and opportunity in North Korea have caused large numbers, perhaps even hundreds of thousands, of North Koreans to flee their homeland, primarily into China.

(16) North Korean women and girls, particularly those who have fled into China, are at risk of being kidnapped, trafficked, and sexually exploited inside China, where many are sold as brides or concubines, or forced to work as prostitutes.

(17) The Governments of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they routinely face torture and imprisonment, and sometimes execution.

(18) Despite China's obligations as a party to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees China routinely classifies North Koreans seeking asylum in China as mere ''economic migrants'' and returns them to North Korea without regard to the serious threat of persecution they face upon their return.

(19) The Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

(20) North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea.